

Message

From: Kenny, Daniel [Kenny.Dan@epa.gov]
Sent: 11/26/2018 7:18:48 PM
To: Anderson, Brian [Anderson.Brian@epa.gov]; Corbin, Mark [Corbin.Mark@epa.gov]; Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]
Subject: RE: BLT

I can reach out to them. Have any of your folks checked to see if it is actually on the website now?

From: Anderson, Brian
Sent: Monday, November 26, 2018 1:38 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Corbin, Mark <Corbin.Mark@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>
Subject: RE: BLT

Can you guys run that by OGC – to make sure that silence non-concurrence is ok?

Thanks

Brian

From: Kenny, Daniel
Sent: Monday, November 26, 2018 12:59 PM
To: Anderson, Brian <Anderson.Brian@epa.gov>; Corbin, Mark <Corbin.Mark@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>
Subject: RE: BLT

I was wondering. According to OGC,

Ex. 5 Attorney Client (AC)

Ex. 5 Deliberative Process (DP)

From: Anderson, Brian
Sent: Monday, November 26, 2018 12:56 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Corbin, Mark <Corbin.Mark@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>
Subject: RE: BLT

That should not be the case. We'll check with our folks.

Brian

From: Kenny, Daniel
Sent: Monday, November 26, 2018 12:54 PM
To: Corbin, Mark <Corbin.Mark@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>
Cc: Anderson, Brian <Anderson.Brian@epa.gov>
Subject: RE: BLT

I was going to ask you about this. I heard back from Corteva (FeXepan) just a little while ago, and they said that they saw the bulletin for FeXapana already there. I was wondering if the decision was that we didn't have to wait?

From: Corbin, Mark

Sent: Monday, November 26, 2018 12:12 PM

To: Kenny, Daniel <Kenny.Dan@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>

Cc: Anderson, Brian <Anderson.Brian@epa.gov>

Subject: BLT

Any word back from the registrants on concurrence for us to post to BLT?

Mark Corbin

Branch Chief, Environmental Risk Branch 6

Environmental Fate and Effects Division (7507P)

Office of Pesticide Programs

U.S. Environmental Protection Agency

Washington DC 20460

703-605-0033

Message

From: Anderson, Brian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CE7D6E5AD2E94B3F8F5AC4D839A6C268-BRIAN ANDERSON]
Sent: 11/27/2018 3:13:45 PM
To: Corbin, Mark [Corbin.Mark@epa.gov]; Echeverria, Marietta [Echeverria.Marietta@epa.gov]
Subject: RE: BLT

According to OGC, **Ex. 5 Attorney Client (AC)**

This is the note from RD.

According to OGC, **Ex. 5 Attorney Client (AC)**

Ex. 5 Attorney Client (AC) **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

From: Corbin, Mark
Sent: Tuesday, November 27, 2018 9:43 AM
To: Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Cc: Anderson, Brian <Anderson.Brian@epa.gov>
Subject: BLT

Marietta

I have a draft email on the status of concurrence for the BLT updates to send to you however, I don't have a copy of the email from Corteva. I saw it yesterday when talking to Dan but he has not forwarded. I have a note into him but if you want to see the draft I started I can send that along and fill in the language from their email when I get it

Let me know your preference

Mark Corbin
Branch Chief, Environmental Risk Branch 6
Environmental Fate and Effects Division (7507P)
Office of Pesticide Programs
U.S. Environmental Protection Agency
Washington DC 20460
703-605-0033

Message

From: Hathaway, Margaret [Hathaway.Margaret@epa.gov]
Sent: 10/30/2018 10:16:27 PM
To: Kenny, Daniel [Kenny.Dan@epa.gov]
CC: Baris, Reuben [Baris.Reuben@epa.gov]; Schmid, Emily [Schmid.Emily@epa.gov]
Subject: more stakeholder citations
Attachments: Options for consideration - High Level w lines of evidence - 8-16-2018 RDB_MH_cob.docx

Hi Dan:

I remembered that the attached "options for consideration" piece from August may also have some more citations that would be helpful. I've copied below the ones that struck my eye as being potentially useful at this point in the game. I crossed out the ones based on calls, in case it's true that the OCSPP IO doesn't want us to consider calls in the amended decision memo.

- Meg

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Hathaway, Margaret
Sent: Tuesday, October 30, 2018 6:03 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Baris, Reuben <Baris.Reuben@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>
Subject: RE: stakeholder piece - with numbers!

Hi Dan:
Here's the stakeholder piece again with some comments citing the "con" concerns.
- Meg

From: Hathaway, Margaret
Sent: Tuesday, October 30, 2018 5:21 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Baris, Reuben <Baris.Reuben@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>
Subject: stakeholder piece - with numbers!

Hello Dan:
Here's my draft stakeholder piece, overhauled per the OCSPF IO's requests.

Please note in this section that I used the terms "comments" and "commenters" purposefully in different places. We sometimes received one comment with multiple group or individual signatures attached. Because of this, I felt it was important to count commenters rather than comments.

- Meg

Message

From: Morris Gaskins [US] [morrisg@albaughllc.com]
Sent: 9/24/2018 8:48:52 PM
To: Baris, Reuben [Baris.Reuben@epa.gov]; Corbin, Mark [Corbin.Mark@epa.gov]
Subject: Dicamba tank mix submission
Attachments: Dicamba letter (Spray Drift) to EPA 9-24-18 (002).pdf

Hey Reuben, hope all is well.

Attached is the cover letter for a tank mix spray drift study for Xtendimax and Engenia we conducted in order to qualify some of our products for next season.

We were advised by the performing lab (Ramulus) to email you and Mark a courtesy copy of the cover letter.

We will be uploading the study via CDX.

Regards,

Morris

Message

From: McBride, Sharon Y [Mcbride.Sharony@epa.gov]
Sent: 10/23/2018 11:48:20 AM
To: Baris, Reuben [Baris.Reuben@epa.gov]
Subject: Requesting Subject Matter Experts for FOIA Request EPA-HQ-2018-011137 re: XtendiMax Reg. No. 524-617
Attachments: EPA-HQ-2018-011137 CFS FOIA re XtendiMax 524-617.pdf

Good Morning Rueben –

We received the attached FOIA request from Center Food Safety (CFS) requesting the below communications regarding XtendiMax Reg. No. 524-617. We have to conduct an IT console search of email records. The requester has specified a search of records from the below staff and we need to know if there are any additional staff that may have records. Please provide me with the additional staff names that would have any responsive records regarding this pesticide product.

CFS Staff of Interest:

Richard Keigwin
Mike Goodis
Reuben Baris
Dan Kenny
Grant Rowland
Kathryn Montague

CFS FOIA Request:

Any and all documents, from January 2018 to present, related to any communications between EPA, EPA Acting Administrator Andrew Wheeler, or any other EPA staff with Monsanto Company regarding XtendiMax.

“All documents” includes but is not limited to all correspondence, minutes, memoranda, communications and/or other documents received from or given to other agencies, maps, plans, drawings, emails, reports, databases, and phone notes. This request includes all documents that have ever been within your custody or control, whether they exist in agency “working,” investigative, retired, electronic mail, or other files currently or at any other time.

In advance, thanks for your assistance regarding this FOIA matter.

Summary Information For Product Registration - Section 3 524-617

Registration #: 524-617
Registration Name: M1768 HERBICIDE
Company: 524 - MONSANTO COMPANY
Current Status: Active - Registered (01-May-2014)
Restricted Use: Yes Details

Active Ingredients

PC Code	CAS #	Ingredient Name	Percent Active
<u>128931</u>	104040-79-1	Dicamba, diglycolamine salt	42.8
Total Rows: 1			

Organization: RD / HB
Team: Registration Division, Risk Management Team 25
Baris, Reuben 703-305-7356

Sharon McBride

Sharon Y. McBride, Team Leader
Government Information Specialist (FOIA)
Public Information & Records Integrity Branch/ITRMD
EPA Office of Pesticide Programs
Office # 703-305-5232
Fax # 703-308-8189
Cubicle # PY South – S9947
Email: mcbride.sharony@epa.gov

ITRMD... Where every customer is a VIP!

Message

From: Keigwin, Richard [Keigwin.Richard@epa.gov]
Sent: 9/1/2018 6:12:09 PM
To: Baris, Reuben [Baris.Reuben@epa.gov]; Hathaway, Margaret [Hathaway.Margaret@epa.gov]
Subject: Fwd: Xtend Crop System and Xtendimax

Rick Keigwin
Director, Office of Pesticide Programs
U.S. Environmental Protection Agency
Phone: 703-305-7090
Website: www.epa.gov/pesticides
Sent from my iPhone

Begin forwarded message:

From: Jake Van Diest <jake.vandiest@vdsc.com>
Date: August 31, 2018 at 3:03:53 PM EDT
To: "keigwin.richard@epa.gov" <keigwin.richard@epa.gov>
Cc: "GETTING, DEAN W [AG/1000]" <dean.w.getting@monsanto.com>, "HELT, MARK G [AG/1000]" <mark.g.helt@monsanto.com>, John Van Diest <john.vandiest@vdsc.com>
Subject: Xtend Crop System and Xtendimax

Mr. Rick P. Keigwin, Jr., Director:

We appreciate your efforts in reviewing the Xtend Crop System and Xtendimax registration. Van Diest Supply Company is a formulator, wholesale distributor and retailer of crop protection products. We've had the pleasure of serving agriculture since 1956 and have seen a number of crop systems and herbicides come and go.

I must express our (agriculture's) need for the renewal of the Xtend Crop System and Xtendimax EPA registrations. Herbicide resistance is a major issue for Growers across the country and we need this "tool" in our "toolbox" to be able to continue to combat resistance effectively. This herbicide works and is effective against many of the herbicide resistant weeds that are difficult to control and threaten the long-term livelihoods of our Growers.

We've seen great improvements in Xtendimax (dicamba) management in the 2018 crop year. The increased training and communication at all levels has made strides and, If renewed, I would expect continued improvement in the 2019 crop year as well.

Time is of the essence as suppliers, distributors, retailers and growers need to know what "tools" we will have to work with for 2019 and years to come. Please make swift action to renew the Xtend Crop System and Xtendimax.

Respectfully,

Jake Van Diest
President & CEO
Van Diest Supply Company

Office: 515-832-2366

Direct: 515-832-8645

Email: jake.vandiest@vdsc.com



Message

From: Keller, Kaitlin [keller.kaitlin@epa.gov]
Sent: 9/13/2018 6:55:59 PM
To: Baris, Reuben [Baris.Reuben@epa.gov]
Subject: RE: Justification for expiration

Ahh right. Got it.

From: Baris, Reuben
Sent: Thursday, September 13, 2018 2:35 PM
To: Keller, Kaitlin <keller.kaitlin@epa.gov>
Subject: RE: Justification for expiration

Ex. 4 CBI

Worth noting that the relationship of that in the dicamba registration is CBI (but probably obvious).

REUBEN BARIS | PRODUCT MANAGER, TEAM 25 | HERBICIDE BRANCH
U.S. ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF PESTICIDE PROGRAMS | (703) 305-7356

From: Keller, Kaitlin
Sent: Thursday, September 13, 2018 2:32 PM
To: Baris, Reuben <Baris.Reuben@epa.gov>
Subject: RE: Justification for expiration

Got it, thanks—it's just for back pocket. Who owns FeXapan?

From: Baris, Reuben
Sent: Thursday, September 13, 2018 2:15 PM
To: Keller, Kaitlin <keller.kaitlin@epa.gov>
Subject: RE: Justification for expiration

Yes.

Xtendimax and FeXapan expire 11/9/18
Engenia expires 12/20/2018

Don't get into why. It is what it is. I prefer to use the talking point that they expire in the fall/end of 2018.

REUBEN BARIS | PRODUCT MANAGER, TEAM 25 | HERBICIDE BRANCH
U.S. ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF PESTICIDE PROGRAMS | (703) 305-7356

From: Keller, Kaitlin
Sent: Thursday, September 13, 2018 2:10 PM
To: Baris, Reuben <Baris.Reuben@epa.gov>
Subject: Re: Justification for expiration

What's the expiration date for the 3rd product? 11/9?

Sent from my iPhone

Kaitlin Keller, Special Assistant
EPA Office of Chemical Safety and Pollution Prevention
(202) 564-7098

On Jul 19, 2018, at 10:24 AM, Baris, Reuben <Baris.Reuben@epa.gov> wrote:

Extracted from the decision document for the NUs (2016) (attached for future needs).

The EPA finds that herbicide resistance is adequately addressed by the required herbicide resistance plan and does not expect off-site incidents to occur due to the required mitigation measures, however the agency is requiring expiration dates that will ensure that the EPA retains the ability to easily modify the registration or allow the registration to terminate if necessary.

Specifically: ***“This registration automatically expires on November 9, 2018 [or December 20, 2018 for Engenia], unless the EPA determines before that date that off-site incidents are not occurring at unacceptable frequencies or levels.”***

But we need to keep in mind there is some additional legal jargon after this statement regarding the amendment of the expiration related to weed resistance (another check point):

“If this automatic expiration date is amended (in whatever way the EPA determines is appropriate at the time), it shall not be amended to a date later than November 9, 2021, by which date this registration will automatically expire unless the EPA determines before that date that herbicide resistance to dicamba is not occurring at unacceptable frequencies or levels, and that offsite incidents are not occurring at unacceptable frequencies or levels.”

REUBEN BARIS | PRODUCT MANAGER, TEAM 25 | HERBICIDE BRANCH
U.S. ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF PESTICIDE PROGRAMS | (703) 305-7356

<EPA-HQ-OPP-2016-0187-0959.pdf>

Message

From: Peck, Charles [Peck.Charles@epa.gov]
Sent: 9/7/2018 7:48:47 PM
To: Odenkirchen, Edward [Odenkirchen.Edward@epa.gov]
CC: Echeverria, Marietta [Echeverria.Marietta@epa.gov]; Baris, Reuben [Baris.Reuben@epa.gov]; Corbin, Mark [Corbin.Mark@epa.gov]
Subject: RE: FYI Monsanto Position Paper - RE: Dicamba volatility

I'll look at the **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

Chuck Peck
OPP/EFED/ERB VI
Potomac Yard South
Crystal City, VA
Room 10244
(703) 347-8064
peck.charles@epa.gov

From: Odenkirchen, Edward
Sent: Friday, September 07, 2018 3:44 PM
To: Peck, Charles <Peck.Charles@epa.gov>
Cc: Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>; Corbin, Mark <Corbin.Mark@epa.gov>
Subject: RE: FYI Monsanto Position Paper - RE: Dicamba volatility

See in red.

From: Peck, Charles
Sent: Friday, September 07, 2018 3:36 PM
To: Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>; Corbin, Mark <Corbin.Mark@epa.gov>
Subject: RE: FYI Monsanto Position Paper - RE: Dicamba volatility

Hi Ed,

1.

Ex. 5 Deliberative Process (DP)

2.

Ex. 5 Deliberative Process (DP)

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From: Odenkirchen, Edward
Sent: Friday, September 07, 2018 3:15 PM
To: Peck, Charles <Peck.Charles@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>; Corbin, Mark <Corbin.Mark@epa.gov>
Subject: RE: FYI Monsanto Position Paper - RE: Dicamba volatility

Chuck, you that man....now two issue and two questions

1.

Ex. 5 Deliberative Process (DP)

2.

From: Peck, Charles
Sent: Friday, September 07, 2018 3:05 PM
To: Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>; Corbin, Mark <Corbin.Mark@epa.gov>; Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>
Subject: FW: FYI Monsanto Position Paper - RE: Dicamba volatility

Draft Internal Deliberative, Do Not Quote or Cite

Here is an email I sent to Brian a while back on my take of their position paper.

Chuck Peck
OPP/EFED/ERB VI
Potomac Yard South

Crystal City, VA
Room 10244
(703) 347-8064
peck.charles@epa.gov

From: Peck, Charles
Sent: Tuesday, August 07, 2018 4:04 PM
To: Anderson, Brian <Anderson.Brian@epa.gov>
Subject: RE: FYI Monsanto Position Paper - RE: Dicamba volatility

Hi Brian,

So looking at this document, **Ex. 5 Deliberative Process (DP)**

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.

Ex. 5 Deliberative Process (DP)

Let me know if you have any questions.

Chuck Peck
OPP/EFED/ERB VI
Potomac Yard South
Crystal City, VA
Room 10244
(703) 347-8064
peck.charles@epa.gov

From: Anderson, Brian
Sent: Tuesday, August 07, 2018 2:02 PM
To: Peck, Charles <Peck.Charles@epa.gov>
Subject: FW: FYI Monsanto Position Paper - RE: Dicamba volatility

Can you do a quick read of this? Would be good to know if this has validity or has some insight?

From: Hathaway, Margaret
Sent: Tuesday, August 07, 2018 2:00 PM
To: Anderson, Brian <Anderson.Brian@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Peck, Charles <Peck.Charles@epa.gov>; Eckel, William <Eckel.William@epa.gov>; Wait, Monica <Wait.Monica@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>
Subject: FYI Monsanto Position Paper - RE: Dicamba volatility

Hi Brian:

Thanks very much for this summary of EFED's conclusions thus far. On a related note, Monsanto emailed Reuben today with a copy of a position paper (attached) entitled "THE SCIENTIFIC BASIS FOR UNDERSTANDING THE OFF-TARGET MOVEMENT POTENTIAL OF XTENDIMAX" in support of the continued registration of XtendiMax Herbicide for use on dicamba-tolerant soybeans and cotton.

RD is still deciding whether or not this needs to be formally beamed, but I think it would be good for EFED to at least have a courtesy copy. I'm still reading the document, but noted that Monsanto states that "there is no material difference in the volatility characteristics of XtendiMax across a wide range of soil types and pH levels, geographies, and temperatures, rebutting any hypotheses that such variations may cause volatility in quantities that will impact plant height outside of the treated field."

- Meg

From: Anderson, Brian
Sent: Tuesday, August 07, 2018 8:18 AM
To: Baris, Reuben <Baris.Reuben@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Peck, Charles <Peck.Charles@epa.gov>; Eckel, William <Eckel.William@epa.gov>; Wait, Monica <Wait.Monica@epa.gov>
Subject: Dicamba volatility

Hi RD Dicamba Team,

Chuck put together a summary of the two new volatility studies. The results are graphed at the end overlayed with the results of the previously submitted data.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

So basically,

the story so far is that:

1. Dicamba is semi-volatile. New formulations were submitted over the last several years for over the top use to cotton and soybean that claimed decreased volatility.
2. EFED's initial risk assessment evaluated volatility based on available field volatility studies for the new formulations. The modeling suggested that volatility is not expected to result in effects to non-target plants off the field.

3.

4.

Ex. 5 Deliberative Process (DP)

5. Pre-publication (preliminary Mueller data) data also suggests that dicamba volatilization appears to increase with decreases in the tank mix pH (none of the submitted field studies included tank mix measurements of pH).
6. We are evaluating whether or not the results of the new studies would result in different conclusions with regard to non-target plant effects from volatility.

Thanks

Brian

Brian Anderson
Office of Pesticide Programs
Environmental Fate and Effects Division
703.305.0067

Message

From: Peck, Charles [Peck.Charles@epa.gov]
Sent: 9/10/2018 12:57:19 PM
To: Odenkirchen, Edward [Odenkirchen.Edward@epa.gov]
CC: Echeverria, Marietta [Echeverria.Marietta@epa.gov]; Baris, Reuben [Baris.Reuben@epa.gov]; Corbin, Mark [Corbin.Mark@epa.gov]
Subject: RE: FYI Monsanto Position Paper - RE: Dicamba volatility

Hi Ed,

So with regards to question 1, it appears th

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Let me know if you have any questions.

Ex. 5 Deliberative Process (DP)

Chuck Peck
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To: Peck, Charles <Peck.Charles@epa.gov>
Cc: Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>; Corbin, Mark <Corbin.Mark@epa.gov>
Subject: RE: FYI Monsanto Position Paper - RE: Dicamba volatility

See in red.

From: Peck, Charles
Sent: Friday, September 07, 2018 3:36 PM
To: Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>; Corbin, Mark <Corbin.Mark@epa.gov>
Subject: RE: FYI Monsanto Position Paper - RE: Dicamba volatility

Hi Ed,

1. I'm assuming the deposition to which you refer is based on Table 2 of their report. This deposition is based on modeling the field flux rates from the different studies in AERMOD and getting 24-hour deposition rates rather than air concentrations. I would need to go back to the field volatility studies and determine if the night following application experienced an inversion to assess whether the conditions are the same as those we're concerned with. The modeling was done for a single year (2015), between the months of April and December for three states (TX, IL, and NC). It used the Day 1 flux rates, as these were the highest. I did my own runs for the new studies done in TX for MO, AR, and TN, looking at 5 years and two days of flux rates and the results were comparable. The highest values reported in Table 2 are roughly an order of magnitude lower than our current veg vigor endpoint of 2.6E-4 lb/A. The deposition does not account for spray drift, so it is missing the combined impact of spray and vapor drift. Yes table two column Off-Site Dry Deposition: are those numbers following field conditions that are reputed to be at issue?
2. The argument from Bayer is going to be that spray drift shouldn't leave the field, if the application is done properly, and volatility by itself shouldn't be an issue, as the deposition modeling indicates that values are an order of magnitude below the veg vigor endpoint. So, in their minds, there wouldn't be a need to look at combined effects, because the dicamba is not leaving the field at levels that would cause damage. They argue that it's still applicator error, misreporting of incidents, and other dicamba products. Until we can say for sure that the incidents are not being caused by Xtendimax, I'm not sure we can say combined effects have been properly addressed. They haven't provided compelling info on the pH piece yet. So they can't argue that there is Zero field emission of dicamba? I don't think their data can show that as well. Ad if not zero, then exposures off a field are the result of the combined effects of from spray drift and whatever contacts plants by what volatiles do come off. It's been a divide and conquer up to this point. And you predict the argument would be small dose plus small dose equals small if any effect.

Chuck Peck
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To: Peck, Charles <Peck.Charles@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>; Corbin, Mark <Corbin.Mark@epa.gov>

Subject: RE: FYI Monsanto Position Paper - RE: Dicamba volatility

Chuck, you that man....now two issue and two questions

1. Presumably we are trying to determine if the deposition observed in any of the flux studies really represents the conditions that are hypothesized for the worst of off-field effects. That hypothesis being volatilization, confined to low elevation by inversion, then destabilization of the inversion layer and subsequent deposition. The deposition summarized in the white paper look mighty small off field, when measured. Question: In your read of these studies, do you feel they go on long enough and look at deposition thoroughly enough to put the hypothesize stated above to pasture?
2. Another issue is the extent to which combined exposures drift and volatile redeposition are both contributing to off field effects, such that viewed individually we have a handle on the exposures, but together they still result in an effects. Question: does the white paper provide convincing evidence that we have no worry about combining the exposures and their attendant effects?

From: Peck, Charles

Sent: Friday, September 07, 2018 3:05 PM

To: Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>; Corbin, Mark <Corbin.Mark@epa.gov>; Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>

Subject: FW: FYI Monsanto Position Paper - RE: Dicamba volatility

Draft Internal Deliberative, Do Not Quote or Cite

Here is an email I sent to Brian a while back on my take of their position paper.

Chuck Peck

OPP/EFED/ERB VI

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Crystal City, VA

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peck.charles@epa.gov

From: Peck, Charles

Sent: Tuesday, August 07, 2018 4:04 PM

To: Anderson, Brian <Anderson.Brian@epa.gov>

Subject: RE: FYI Monsanto Position Paper - RE: Dicamba volatility

Hi Brian,

So looking at this document, Ex. 5 Deliberative Process (DP)

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Ex. 5 Deliberative Process (DP)

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Ex. 5 Deliberative Process (DP)

Let me know if you have any questions.

Chuck Peck
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Potomac Yard South
Crystal City, VA
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From: Anderson, Brian
Sent: Tuesday, August 07, 2018 2:02 PM
To: Peck, Charles <Peck.Charles@epa.gov>
Subject: FW: FYI Monsanto Position Paper - RE: Dicamba volatility

Can you do a quick read of this? Would be good to know if this has validity or has some insight?

From: Hathaway, Margaret
Sent: Tuesday, August 07, 2018 2:00 PM
To: Anderson, Brian <Anderson.Brian@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Peck, Charles <Peck.Charles@epa.gov>; Eckel, William <Eckel.William@epa.gov>; Wait, Monica <Wait.Monica@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>
Subject: FYI Monsanto Position Paper - RE: Dicamba volatility

Hi Brian:

Thanks very much for this summary of EFED's conclusions thus far. On a related note, Monsanto emailed Reuben today with a copy of a position paper (attached) entitled "THE SCIENTIFIC BASIS FOR UNDERSTANDING THE OFF-TARGET MOVEMENT POTENTIAL OF XTENDIMAX" in support of the continued registration of XtendiMax Herbicide for use on dicamba-tolerant soybeans and cotton.

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- Meg

From: Anderson, Brian
Sent: Tuesday, August 07, 2018 8:18 AM
To: Baris, Reuben <Baris.Reuben@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Peck, Charles <Peck.Charles@epa.gov>; Eckel, William <Eckel.William@epa.gov>; Wait, Monica

<Wait.Monica@epa.gov>
Subject: Dicamba volatility

Hi RD Dicamba Team,

Chuck put together a summary of the two new volatility studies. The results are graphed at the end overlaved with the results of the previously submitted data.

Ex. 5 Deliberative Process (DP)

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Thanks

Brian

Brian Anderson
Office of Pesticide Programs
Environmental Fate and Effects Division
703.305.0067

Message

From: Meadows, Sarah [Meadows.Sarah@epa.gov]
Sent: 9/26/2018 2:03:26 PM
To: Kenny, Daniel [Kenny.Dan@epa.gov]; Baris, Reuben [Baris.Reuben@epa.gov]; Hathaway, Margaret [Hathaway.Margaret@epa.gov]; Schmid, Emily [Schmid.Emily@epa.gov]
Subject: Xtendimax Label Review
Attachments: 524-617 label edits STM.pdf

This is what I have so far...

Sarah True Meadows, PhD
US Environmental Protection Agency
Office of Pesticide Programs
(703) 347-0505
meadows.sarah@epa.gov

Message

From: Farruggia, Frank [Farruggia.Frank@epa.gov]
Sent: 9/10/2018 12:43:20 PM
To: Peck, Charles [Peck.Charles@epa.gov]; Wait, Monica [Wait.Monica@epa.gov]; Corbin, Mark [Corbin.Mark@epa.gov]; Echeverria, Marietta [Echeverria.Marietta@epa.gov]; Baris, Reuben [Baris.Reuben@epa.gov]; Odenkirchen, Edward [Odenkirchen.Edward@epa.gov]
Subject: RE: Review of Monsanto Position Paper, Draft Internal Deliberative, Do Not Quote or Cite

Thanks Monica

Frank T. Farruggia, Ph.D.
Environmental Fate & Effects Division
Office of Pesticide Programs, US-EPA
1200 Pennsylvania Avenue, N.W., Washington, DC 20460
Mail Code: 7507P
Phone: (703)347-0231

From: Peck, Charles
Sent: Monday, September 10, 2018 7:17 AM
To: Wait, Monica <Wait.Monica@epa.gov>; Corbin, Mark <Corbin.Mark@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>; Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>
Cc: Farruggia, Frank <Farruggia.Frank@epa.gov>
Subject: RE: Review of Monsanto Position Paper, Draft Internal Deliberative, Do Not Quote or Cite

Thanks Monica!

From: Wait, Monica
Sent: Monday, September 10, 2018 7:13 AM
To: Peck, Charles <Peck.Charles@epa.gov>; Corbin, Mark <Corbin.Mark@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>; Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>
Cc: Farruggia, Frank <Farruggia.Frank@epa.gov>
Subject: RE: Review of Monsanto Position Paper, Draft Internal Deliberative, Do Not Quote or Cite

Thanks Chuck. I just uploaded it to OneDrive, and you all should have received a link for review / editing.

Monica

From: Peck, Charles
Sent: Monday, September 10, 2018 6:53 AM
To: Corbin, Mark <Corbin.Mark@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>; Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>
Cc: Wait, Monica <Wait.Monica@epa.gov>; Farruggia, Frank <Farruggia.Frank@epa.gov>
Subject: Review of Monsanto Position Paper, Draft Internal Deliberative, Do Not Quote or Cite

Attached is my draft review of the Monsanto whitepaper.

Monica – could you please upload this to the Sharepoint site so folks may comment? Thanks!

Chuck Peck
OPP/EFED/ERB VI
Potomac Yard South
Crystal City, VA
Room 10244
(703) 347-8064
peck.charles@epa.gov

From: Corbin, Mark
Sent: Friday, September 07, 2018 3:11 PM
To: Peck, Charles <Peck.Charles@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>; Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>
Subject: RE: FYI Monsanto Position Paper - RE: Dicamba volatility

Looks pretty thorough. Probably want to get that into Word form and we can figure out where it fits later. We might need a little narrative around it but looks like that won't be much work

mark

From: Peck, Charles
Sent: Friday, September 07, 2018 3:05 PM
To: Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>; Corbin, Mark <Corbin.Mark@epa.gov>; Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>
Subject: FW: FYI Monsanto Position Paper - RE: Dicamba volatility

Draft Internal Deliberative, Do Not Quote or Cite

Here is an email I sent to Brian a while back on my take of their position paper.

Chuck Peck
OPP/EFED/ERB VI
Potomac Yard South
Crystal City, VA
Room 10244
(703) 347-8064
peck.charles@epa.gov

From: Peck, Charles
Sent: Tuesday, August 07, 2018 4:04 PM
To: Anderson, Brian <Anderson.Brian@epa.gov>
Subject: RE: FYI Monsanto Position Paper - RE: Dicamba volatility

Hi Brian,

So looking at this document, **Ex. 5 Deliberative Process (DP)**

1.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Let me know if you have any questions.

Chuck Peck
OPP/EFED/ERB VI
Potomac Yard South
Crystal City, VA
Room 10244
(703) 347-8064
peck.charles@epa.gov

From: Anderson, Brian
Sent: Tuesday, August 07, 2018 2:02 PM
To: Peck, Charles <Peck.Charles@epa.gov>
Subject: FW: FYI Monsanto Position Paper - RE: Dicamba volatility

Can you do a quick read of this? Would be good to know if this has validity or has some insight?

From: Hathaway, Margaret
Sent: Tuesday, August 07, 2018 2:00 PM
To: Anderson, Brian <Anderson.Brian@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Peck, Charles <Peck.Charles@epa.gov>; Eckel, William <Eckel.William@epa.gov>; Wait, Monica <Wait.Monica@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>
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- Meg

From: Anderson, Brian

Sent: Tuesday, August 07, 2018 8:18 AM

To: Baris, Reuben <Baris.Reuben@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>

Cc: Peck, Charles <Peck.Charles@epa.gov>; Eckel, William <Eckel.William@epa.gov>; Wait, Monica <Wait.Monica@epa.gov>

Subject: Dicamba volatility

Hi RD Dicamba Team,

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3.

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Thanks

Brian

Brian Anderson
Office of Pesticide Programs
Environmental Fate and Effects Division
703.305.0067

Message

From: Peck, Charles [Peck.Charles@epa.gov]
Sent: 9/7/2018 7:36:01 PM
To: Odenkirchen, Edward [Odenkirchen.Edward@epa.gov]; Echeverria, Marietta [Echeverria.Marietta@epa.gov]; Baris, Reuben [Baris.Reuben@epa.gov]; Corbin, Mark [Corbin.Mark@epa.gov]
Subject: RE: FYI Monsanto Position Paper - RE: Dicamba volatility

Hi Ed,

1.

Ex. 5 Deliberative Process (DP)

2.

Chuck Peck
OPP/EFED/ERB VI
Potomac Yard South
Crystal City, VA
Room 10244
(703) 347-8064
peck.charles@epa.gov

From: Odenkirchen, Edward
Sent: Friday, September 07, 2018 3:15 PM
To: Peck, Charles <Peck.Charles@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>; Corbin, Mark <Corbin.Mark@epa.gov>
Subject: RE: FYI Monsanto Position Paper - RE: Dicamba volatility

Chuck, you that man....now two issue and two questions

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Subject: FW: FYI Monsanto Position Paper - RE: Dicamba volatility

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Potomac Yard South
Crystal City, VA
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Cc: Peck, Charles <Peck.Charles@epa.gov>; Eckel, William <Eckel.William@epa.gov>; Wait, Monica <Wait.Monica@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>
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Cc: Peck, Charles <Peck.Charles@epa.gov>; Eckel, William <Eckel.William@epa.gov>; Wait, Monica

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Brian Anderson
Office of Pesticide Programs
Environmental Fate and Effects Division
703.305.0067

Message

From: Echeverria, Marietta [Echeverria.Marietta@epa.gov]
Sent: 9/7/2018 7:35:13 PM
To: Odenkirchen, Edward [Odenkirchen.Edward@epa.gov]; Peck, Charles [Peck.Charles@epa.gov]; Baris, Reuben [Baris.Reuben@epa.gov]; Corbin, Mark [Corbin.Mark@epa.gov]
Subject: RE: FYI Monsanto Position Paper - RE: Dicamba volatility

Yes, I think we start on why we think the other data and analyses are limited and the uncertainties

From: Odenkirchen, Edward
Sent: Friday, September 07, 2018 3:31 PM
To: Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Peck, Charles <Peck.Charles@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>; Corbin, Mark <Corbin.Mark@epa.gov>
Subject: RE: FYI Monsanto Position Paper - RE: Dicamba volatility

So we talk about

Ex. 5 Deliberative Process (DP)

From: Echeverria, Marietta
Sent: Friday, September 07, 2018 3:20 PM
To: Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>; Peck, Charles <Peck.Charles@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>; Corbin, Mark <Corbin.Mark@epa.gov>
Subject: RE: FYI Monsanto Position Paper - RE: Dicamba volatility

For next week's discussion they are interested in the impact of ESA – i.e., the size of the buffer and the geographic scope.

From: Odenkirchen, Edward
Sent: Friday, September 07, 2018 3:15 PM
To: Peck, Charles <Peck.Charles@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>; Corbin, Mark <Corbin.Mark@epa.gov>
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Sent: Friday, September 07, 2018 3:05 PM

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Thanks

Brian

Brian Anderson
Office of Pesticide Programs
Environmental Fate and Effects Division
703.305.0067

Message

From: Kaul, Monisha [Kaul.Monisha@epa.gov]
Sent: 10/31/2018 2:05:57 AM
To: Goodis, Michael [Goodis.Michael@epa.gov]; Baris, Reuben [Baris.Reuben@epa.gov]; Hathaway, Margaret [Hathaway.Margaret@epa.gov]; Kenny, Daniel [Kenny.Dan@epa.gov]; Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]
CC: Miller, Wynne [Miller.Wynne@epa.gov]
Subject: FW: XtendiMax use on DT Soy & Cotton
Attachments: The Scientific Basis for Understanding the Off-Target Movement Potential....pdf

All- please let us know if there are any claims of confidentiality/CBI in the attached document – this may be cited in the benefits memo. Thanks. – Monisha

From: Keigwin, Richard
Sent: Tuesday, October 30, 2018 4:43 PM
To: Kaul, Monisha <Kaul.Monisha@epa.gov>; Miller, Wynne <Miller.Wynne@epa.gov>
Subject: FW: XtendiMax use on DT Soy & Cotton

I think this is the white paper.

From: MARVIN, THOMAS [AG/1920] [mailto:thomas.marvin@monsanto.com]
Sent: Friday, August 03, 2018 4:30 PM
To: Keigwin, Richard <Keigwin.Richard@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>
Subject: XtendiMax use on DT Soy & Cotton

All-

Please find attached a courtesy copy of a submission we made today in support of the continued registration of XtendiMax Herbicide for use on dicamba-tolerant soybeans and cotton (EPA Reg. 524-617). Please do not hesitate to contact me if there is anything we can address in advance of next Tuesday.

Thanks,

Tom

Tom Marvin
Director, Federal Regulatory Affairs
1300 I Street, NW
Washington, DC 20005
Cell: 202-676-7846
Desk: 202-383-2851

This email and any attachments were sent from a Monsanto email account and may contain confidential and/or privileged information. If you are not the intended recipient, please contact the sender and delete this email and any attachments immediately. Any unauthorized use, including disclosing, printing, storing, copying or distributing this email, is prohibited. All emails and attachments sent to or from Monsanto email accounts may be subject to monitoring, reading, and archiving by Monsanto, including its affiliates and subsidiaries, as permitted by applicable law. Thank you.

Message

From: Kenny, Daniel [Kenny.Dan@epa.gov]
Sent: 8/30/2018 6:02:46 PM
To: Goodis, Michael [Goodis.Michael@epa.gov]; Baris, Reuben [Baris.Reuben@epa.gov]; Hathaway, Margaret [Hathaway.Margaret@epa.gov]
Subject: RE: Introduction & Question

Thanks Mike! A little anticlimactic, huh? At least you got some quality time with the shuttle...

From: Goodis, Michael
Sent: Thursday, August 30, 2018 1:55 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: Re: Introduction & Question

The call is cancelled so no need to call in.

Sent from my iPhone

On Aug 30, 2018, at 1:32 PM, Goodis, Michael <Goodis.Michael@epa.gov> wrote:

The number for the call today.

Sent from my iPhone

Begin forwarded message:

From: "Goodis, Michael" <Goodis.Michael@epa.gov>
Date: August 30, 2018 at 10:18:27 AM EDT
To: "Hickey, Jonathan P. EOP/OVP" <Jonathan.P.Hickey@ovp.eop.gov>
Subject: RE: Introduction & Question

Hi Jon

We will have serval people on the line on this end.

Please use this call-in number (Ex. 6 Conference Code (CC)

Michael L. Goodis, P.E.
Director, Registration Division (RD)
Office of Pesticide Programs (OPP)

Phone 703-308-8157
Room S7623

From: Hickey, Jonathan P. EOP/OVP [mailto:Jonathan.P.Hickey@ovp.eop.gov]
Sent: Thursday, August 30, 2018 10:04 AM
To: Goodis, Michael <Goodis.Michael@epa.gov>
Subject: RE: Introduction & Question

Hi Mike,

Got it. Thanks! I will read before 1400. For the call, is there a number you want me to call into or will you be calling me?

Thanks!

v/r,
Jon

Jon Hickey
Office of the Vice President
(202)395-1659

From: Goodis, Michael <Goodis.Michael@epa.gov>
Sent: Thursday, August 30, 2018 9:57 AM
To: Hickey, Jonathan P. EOP/OVP <Jonathan.P.Hickey@ovp.eop.gov>
Subject: RE: Introduction & Question

Hi Jon

Attached is a background and status paper on the dicamba registration issue. I thought we could use this paper to help facilitate the discussion this afternoon if that is acceptable. Let me know if you have any questions.

Michael L. Goodis, P.E.
Director, Registration Division (RD)
Office of Pesticide Programs (OPP)

Phone 703-308-8157
Room S7623

From: Hickey, Jonathan P. EOP/OVP [<mailto:Jonathan.P.Hickey@ovp.eop.gov>]
Sent: Wednesday, August 29, 2018 2:54 PM
To: Goodis, Michael <Goodis.Michael@epa.gov>
Subject: RE: Introduction & Question

Mike,

That works! Thanks so much.

v/r,
jon

Jon Hickey
Office of the Vice President
(202)395-1659

From: Goodis, Michael <Goodis.Michael@epa.gov>
Sent: Wednesday, August 29, 2018 2:35 PM
To: Hickey, Jonathan P. EOP/OVP <Jonathan.P.Hickey@ovp.eop.gov>
Subject: RE: Introduction & Question

Hi Jon

Just getting back to you on our discussion earlier today.
Most folks are not available today but would 2 pm Thursday work for you?
Please let me know and we will make arrangements. Thanks

Michael L. Goodis, P.E.
Director, Registration Division (RD)
Office of Pesticide Programs (OPP)

Phone 703-308-8157
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From: Hickey, Jonathan P. EOP/OVP [<mailto:Jonathan.P.Hickey@ovp.eop.gov>]
Sent: Wednesday, August 29, 2018 9:03 AM
To: Goodis, Michael <Goodis.Michael@epa.gov>
Cc: guilaran.you-ting@epa.gov; Keigwin, Richard <Keigwin.Richard@epa.gov>; Hickey, Jonathan P. EOP/OVP <Jonathan.P.Hickey@ovp.eop.gov>
Subject: Introduction & Question

Hi Mike,

Sending you and Richard & Quilaran this note to introduce myself and see if we could schedule a call to help us here at OVP understand an inquiry the Vice President recently recieved.

My name is Jon Hickey and I recently joined the Vice President's Domestic Policy team. Part of my portfolio is Environment. I look forward to working with you and your team!

The Vice President recently received an inquiry from a constituent concerned about Dicamba and the upcoming expiration of the Xtendimax with Vapor Grip Technology Label. Would you have time to discuss this at some point today?

Also, if there is a time when you (and/or whoever you feel appropriate from your team) would have time to meet perhaps next week just to make face-to-face introductions and perhaps to get an overview of the Pesticides Program?

Thanks!

Best regards,
Jon

Jon Hickey
Office of the Vice President
Special Advisor for Domestic Policy
(202)395-1659

Message

From: Peck, Charles [Peck.Charles@epa.gov]
Sent: 9/7/2018 7:12:43 PM
To: Corbin, Mark [Corbin.Mark@epa.gov]; Echeverria, Marietta [Echeverria.Marietta@epa.gov]; Baris, Reuben [Baris.Reuben@epa.gov]; Odenkirchen, Edward [Odenkirchen.Edward@epa.gov]
Subject: RE: FYI Monsanto Position Paper - RE: Dicamba volatility - Internal Draft Deliberative

I can put together a summary of their report and our issues/concerns into a document and have it by Monday for folks to review.

Chuck Peck
OPP/EFED/ERB VI
Potomac Yard South
Crystal City, VA
Room 10244
(703) 347-8064
peck.charles@epa.gov

From: Corbin, Mark
Sent: Friday, September 07, 2018 3:11 PM
To: Peck, Charles <Peck.Charles@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>; Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>
Subject: RE: FYI Monsanto Position Paper - RE: Dicamba volatility

Looks pretty thorough. Probably want to get that into Word form and we can figure out where it fits later. We might need a little narrative around it but looks like that won't be much work

mark

From: Peck, Charles
Sent: Friday, September 07, 2018 3:05 PM
To: Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>; Corbin, Mark <Corbin.Mark@epa.gov>; Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>
Subject: FW: FYI Monsanto Position Paper - RE: Dicamba volatility

Draft Internal Deliberative, Do Not Quote or Cite

Here is an email I sent to Brian a while back on my take of their position paper.

Chuck Peck
OPP/EFED/ERB VI
Potomac Yard South
Crystal City, VA
Room 10244
(703) 347-8064
peck.charles@epa.gov

From: Peck, Charles
Sent: Tuesday, August 07, 2018 4:04 PM
To: Anderson, Brian <Anderson.Brian@epa.gov>
Subject: RE: FYI Monsanto Position Paper - RE: Dicamba volatility

Hi Brian,

So looking at this document,

Ex. 5 Deliberative Process (DP)

- 1.
- 2.
- 3.
- 4.
- 5.
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- 7.

Ex. 5 Deliberative Process (DP)

Let me know if you have any questions.

Chuck Peck
OPP/EFED/ERB VI
Potomac Yard South
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Room 10244
(703) 347-8064
peck.charles@epa.gov

From: Anderson, Brian
Sent: Tuesday, August 07, 2018 2:02 PM
To: Peck, Charles <Peck.Charles@epa.gov>
Subject: FW: FYI Monsanto Position Paper - RE: Dicamba volatility

Can you do a quick read of this? Would be good to know if this has validity or has some insight?

From: Hathaway, Margaret
Sent: Tuesday, August 07, 2018 2:00 PM
To: Anderson, Brian <Anderson.Brian@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Peck, Charles <Peck.Charles@epa.gov>; Eckel, William <Eckel.William@epa.gov>; Wait, Monica <Wait.Monica@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>
Subject: FYI Monsanto Position Paper - RE: Dicamba volatility

Hi Brian:

Thanks very much for this summary of EFED's conclusions thus far. On a related note, Monsanto emailed Reuben today with a copy of a position paper (attached) entitled "THE SCIENTIFIC BASIS FOR UNDERSTANDING THE OFF-TARGET MOVEMENT POTENTIAL OF XTENDIMAX" in support of the continued registration of XtendiMax Herbicide for use on dicamba-tolerant soybeans and cotton.

RD is still deciding whether or not this needs to be formally beamed, but I think it would be good for EFED to at least have a courtesy copy. I'm still reading the document, but noted that Monsanto states that "there is no material difference in the volatility characteristics of XtendiMax across a wide range of soil types and pH levels, geographies, and temperatures, rebutting any hypotheses that such variations may cause volatility in quantities that will impact plant height outside of the treated field."

- Meg

From: Anderson, Brian
Sent: Tuesday, August 07, 2018 8:18 AM
To: Baris, Reuben <Baris.Reuben@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Peck, Charles <Peck.Charles@epa.gov>; Eckel, William <Eckel.William@epa.gov>; Wait, Monica <Wait.Monica@epa.gov>
Subject: Dicamba volatility

Hi RD Dicamba Team,

Chuck put together a summary of the two new volatility studies. The results are graphed at the end overlaid with the results of the previously submitted data.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

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the story so far is that:

So basically,

1. Dicamba is semi-volatile. New formulations were submitted over the last several years for over the top use to cotton and soybean that claimed decreased volatility.
2. EFED's initial risk assessment evaluated volatility based on available field volatility studies for the new formulations. The modeling suggested that volatility is not expected to result in effects to non-target plants off the field.

Ex. 5 Deliberative Process (DP)

4.

Ex. 5 Deliberative Process (DP)

5. Pre-publication (preliminary Mueller data) data also suggests that dicamba volatilization appears to increase with decreases in the tank mix pH (none of the submitted field studies included tank mix measurements of pH).
6. We are evaluating whether or not the results of the new studies would result in different conclusions with regard to non-target plant effects from volatility.

Thanks

Brian

Brian Anderson
Office of Pesticide Programs
Environmental Fate and Effects Division
703.305.0067

Message

From: Goodis, Michael [Goodis.Michael@epa.gov]
Sent: 8/30/2018 6:02:00 PM
To: Baris, Reuben [Baris.Reuben@epa.gov]
CC: Hathaway, Margaret [Hathaway.Margaret@epa.gov]; Kenny, Daniel [Kenny.Dan@epa.gov]
Subject: Re: Introduction & Question

Wasted trip. On my way back.

Sent from my iPhone

On Aug 30, 2018, at 2:01 PM, Baris, Reuben <Baris.Reuben@epa.gov> wrote:

Enthusiastic thumbs up

Sent from my iPhone

On Aug 30, 2018, at 1:59 PM, Hathaway, Margaret <Hathaway.Margaret@epa.gov> wrote:

Interesting. Thanks Mike for letting us know.

- Meg

From: Goodis, Michael
Sent: Thursday, August 30, 2018 1:55 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>;
Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: Re: Introduction & Question

The call is cancelled so no need to call in.

Sent from my iPhone

On Aug 30, 2018, at 1:32 PM, Goodis, Michael <Goodis.Michael@epa.gov> wrote:

The number for the call today.

Sent from my iPhone

Begin forwarded message:

From: "Goodis, Michael" <Goodis.Michael@epa.gov>
Date: August 30, 2018 at 10:18:27 AM EDT
To: "Hickey, Jonathan P. EOP/OVP"
<Jonathan.P.Hickey@ovp.eop.gov>
Subject: RE: Introduction & Question

Hi Jon

We will have several people on the line on this end.

Please use this call-in number Ex. 6 Personal Privacy (PP)

Ex. 6 Conference Code (CC)

Michael L. Goodis, P.E.
Director, Registration Division (RD)
Office of Pesticide Programs (OPP)

Phone 703-308-8157
Room S7623

From: Hickey, Jonathan P. EOP/OVP
[mailto:Jonathan.P.Hickey@ovp.eop.gov]
Sent: Thursday, August 30, 2018 10:04 AM
To: Goodis, Michael <Goodis.Michael@epa.gov>
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Jon Hickey
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[mailto:Jonathan.P.Hickey@ovp.eop.gov]
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jon

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Cc: guilaran.you-ting@epa.gov; Keigwin, Richard
<Keigwin.Richard@epa.gov>; Hickey, Jonathan P.
EOP/OVP <Jonathan.P.Hickey@ovp.eop.gov>

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Thanks!

Best regards,
Jon

Jon Hickey
Office of the Vice President
Special Advisor for Domestic Policy
(202)395-1659

Message

From: SEIFERT-HIGGINS, SIMONE [AG/1005] [simone.seifert-higgins@bayer.com]
Sent: 8/23/2018 8:50:20 PM
To: Baris, Reuben [Baris.Reuben@epa.gov]
CC: BHAKTA, TINA [AG/1005] [tina.bhakta@monsanto.com]; MARVIN, THOMAS [AG/1920] [thomas.marvin@monsanto.com]
Subject: URL amendments for Xtendimax with VaporGrip Technology (EPA Reg. No. 524-617) _ 8/23/2018 additions
Attachments: Cover letter M1768_XtendimaxURL_amendment_20180823.pdf; 8570-1_20180823.pdf; BAT-2018-0048 Summary Breakout Passed 05312018_FINALSIGNED.pdf

Dear Reuben,

Please find attached the 8570-1 form, cover letter, and data summary report notifying the EPA of amendments to be made to XtendiMax's URL. With this submission, Bayer intends to post the referenced products to www.xtendimaxapplicationrequirements.com as approved tank mix products.

Please let me know if you have any concerns.

Best regards,

Simone Seifert-Higgins
Regulatory Affairs Manager

//////////

Bayer U.S. -- Crop Science
Monsanto Company
Global Chemistry & Seed Regulatory Affairs
700 Chesterfield Parkway West
Mail Zone: FF4B
Chesterfield, MO 63017
Tel: +1 (636) 737-9571
Mobile: +1 (314) 330-3053
E-mail: simone.seifert-higgins@bayer.com
Web: <http://www.bayer.com>

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Message

From: Becker, Jonathan [Becker.Jonathan@epa.gov]
Sent: 9/21/2018 4:09:56 PM
To: Hawkins, Caleb [Hawkins.Caleb@epa.gov]; Kaul, Monisha [Kaul.Monisha@epa.gov]; Anderson, Neil [Anderson.Neil@epa.gov]; Chism, William [Chism.Bill@epa.gov]; Tindall, Kelly [tindall.kelly@epa.gov]
CC: Baris, Reuben [Baris.Reuben@epa.gov]
Subject: RE: FYI - Dicamba agripulse update (Numbers from Bayer)

Hi Caleb,

I revised it downward to 40 million acres based on Monsanto's 2nd Quarter Financial Report. I think it's an underestimate, but it is a better source to cite.

Jonathan

From: Hawkins, Caleb
Sent: Friday, September 21, 2018 11:59 AM
To: Kaul, Monisha <Kaul.Monisha@epa.gov>; Becker, Jonathan <Becker.Jonathan@epa.gov>; Anderson, Neil <Anderson.Neil@epa.gov>; Chism, William <Chism.Bill@epa.gov>; Tindall, Kelly <tindall.kelly@epa.gov>
Cc: Baris, Reuben <Baris.Reuben@epa.gov>
Subject: FYI - Dicamba agripulse update (Numbers from Bayer)

Agripulse update

Jonathan – I'd say your 50 million acres treated estimate is right on. -caleb

Some evidence of better dicamba use

New numbers suggest farmers did a better job this year of managing their use of dicamba. Bayer says it received 75 percent fewer inquiries from growers and applicators about off-target movement of Xtendimax, its dicamba-based herbicide, this growing season compared to 2017.

The number of inquiries fell from 2,767 to 695. With 50 million acres treated with Xtendimax this year, the number of inquiries translates into about 14 per million acres, compared to about 111 per million acres last year.

The company also said it saw better compliance with label requirements this season.

EPA is expected to issue a decision in the next few weeks on whether to register dicamba for continued use. The herbicide is also produced and sold by BASF under the trade name Engenia.

Caleb Hawkins
OCSP/OPP/BEAD/BAB
hawkins.caleb@epa.gov
703.308.8104
S9313

**ALL CONTENTS AND ATTACHMENTS TO THIS EMAIL CORRESPONDENCE ARE TO BE CONSIDERED
DRAFT/INTERNAL/DELIBERATIVE ONLY, NOT TO BE SHARED UNLESS SPECIFICALLY AND EXPLICITLY STATED**

Message

From: Peck, Charles [Peck.Charles@epa.gov]
Sent: 9/10/2018 10:53:01 AM
To: Corbin, Mark [Corbin.Mark@epa.gov]; Echeverria, Marietta [Echeverria.Marietta@epa.gov]; Baris, Reuben [Baris.Reuben@epa.gov]; Odenkirchen, Edward [Odenkirchen.Edward@epa.gov]
CC: Wait, Monica [Wait.Monica@epa.gov]; Farruggia, Frank [Farruggia.Frank@epa.gov]
Subject: Review of Monsanto Position Paper, Draft Internal Deliberative, Do Not Quote or Cite
Attachments: 128931_DPXXXXXX_RTC_9-10-2018.docx

Attached is my draft review of the Monsanto whitepaper.

Monica – could you please upload this to the Sharepoint site so folks may comment? Thanks!

Chuck Peck
OPP/EFED/ERB VI
Potomac Yard South
Crystal City, VA
Room 10244
(703) 347-8064
peck.charles@epa.gov

From: Corbin, Mark
Sent: Friday, September 07, 2018 3:11 PM
To: Peck, Charles <Peck.Charles@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>; Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>
Subject: RE: FYI Monsanto Position Paper - RE: Dicamba volatility

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Ex. 5 Deliberative Process (DP)

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Ex. 5 Deliberative Process (DP)

Incidents have been reported in the past 2-3 weeks.

Let me know if you have any questions.

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Can you do a quick read of this? Would be good to know if this has validity or has some insight?

From: Hathaway, Margaret

Sent: Tuesday, August 07, 2018 2:00 PM

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Cc: Peck, Charles <Peck.Charles@epa.gov>; Eckel, William <Eckel.William@epa.gov>; Wait, Monica <Wait.Monica@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>

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Sent: Tuesday, August 07, 2018 8:18 AM

To: Baris, Reuben <Baris.Reuben@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>

Cc: Peck, Charles <Peck.Charles@epa.gov>; Eckel, William <Eckel.William@epa.gov>; Wait, Monica <Wait.Monica@epa.gov>

Subject: Dicamba volatility

Hi RD Dicamba Team,

Chuck put together a summary of the two new volatility studies. The results are graphed at the end overlaid with the results of the previously submitted data.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

it may not be usable because of that – the main points that we gleaned from the data are below though. So basically, the story so far is that:

1. Dicamba is semi-volatile. New formulations were submitted over the last several years for over the top use to cotton and soybean that claimed decreased volatility.

2. EFED's initial risk assessment evaluated volatility based on available field volatility studies for the new formulations. The modeling suggested that volatility is not expected to result in effects to non-target plants off the field.

3.

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Ex. 5 Deliberative Process (DP)

5. Pre-publication (preliminary Mueller data) data also suggests that dicamba volatilization appears to increase with decreases in the tank mix pH (none of the submitted field studies included tank mix measurements of pH).
6. We are evaluating whether or not the results of the new studies would result in different conclusions with regard to non-target plant effects from volatility.

Thanks

Brian

Brian Anderson
Office of Pesticide Programs
Environmental Fate and Effects Division
703.305.0067

Message

From: Han, Kaythi [Han.Kaythi@epa.gov]
Sent: 8/9/2018 2:10:49 PM
To: Hathaway, Margaret [Hathaway.Margaret@epa.gov]; Baris, Reuben [Baris.Reuben@epa.gov]
Subject: RE: ny times response
Attachments: FW: Press inquiry on Dicamba from the Arkansas Democrat Gazette

Hi Meg and Reuben,

Attached are the responses that OCSPP sent to the Press Office. Let me know if you need anything else.

Kaythi Han
Team Leader, Communications
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 305-5642 | han.kaythi@epa.gov

From: Hathaway, Margaret
Sent: Wednesday, August 08, 2018 5:47 PM
To: Baris, Reuben <Baris.Reuben@epa.gov>
Cc: Han, Kaythi <Han.Kaythi@epa.gov>
Subject: RE: ny times response

Hi Reuben:

Here are the final answers to question 1-4 and 6 of the dicamba response for the Arkansas Democrat Gazette. There was some back and forth on question 5. Kathyi, can you please send me the final text of question 5 and our reply?

Thank you,
Meg Hathaway

Question 1: Does the EPA have an estimate when it will release its decision on re-registering dicamba (Xtendimax, etc.) for in-crop use? (I hear August is the timeline.)

Response 1: We are reviewing the current use restrictions on the labels for dicamba formulations in light of the incidents that have been reported this year. Our goal is to make a regulatory decision in time for growers to make informed seed purchase decisions for the next planting season. (from July New Republic press inquiry)

Question 2: What is the EPA doing as it makes that decision? (Are EPA representatives visiting farmers, regulators, etc. in states currently reporting dicamba damage and fielding complaints?)

Response 2: EPA placed a 2-year limit dicamba's registration to allow the Agency to either let it expire or to easily make the necessary changes in the registration in order to address concerns about the possible development of weed resistance and off-target movement. EPA will consider all available information in its decision-making process. EPA is working closely with our regulatory partners in the affected states and the registrants to better understand concerns. EPA representatives are visiting growers in several affected states and with advice from state and industry agriculture experts and university crop scientists, we will use a weight-of-evidence approach to evaluate whether the new restrictions are successfully preventing damage to

neighboring crops and other sensitive plants. (from July BNV interview request, with edits in red to include recent tours)

Question 3: Is the EPA considering damage to non-ag interests (backyard gardens, decorative trees and shrubs) as it considers re-registration?

Response 3: EPA is aware of field reports of off-field and non-target crop damage related to the use of dicamba. Past reports claim damage is mostly to non-dicamba resistant soybean, but also include peaches, melons, tomatoes, cantaloupe, grapes, pumpkins, alfalfa, non-dicamba-resistant cotton, peanuts, peas, organic crops, residential/ ornamental gardens and other non-target crops. We are actively collecting this information from states and EPA regional personnel in order to fully understand the circumstances and scope of the issues. (from July DTN press inquiry)

Question 4: Is the EPA demanding improvements by dicamba manufacturers to its formulations?

At this time EPA is in the information gathering stage of its decision-making process regarding dicamba registrations. All regulatory options are on the table, including the possibility of modifying and/or expanding the current list of use restrictions on dicamba labels.

Question 6: Arkansas banned dicamba for in-crop use after April 16 yet has received more than 150 complaints of alleged dicamba damage. Soybean damage has been estimated at 400,000 acres in Arkansas — and 500,000 acres in Illinois, and 100,000 acres in Missouri, two states that allowed in-crop use. What does that tell the EPA about dicamba's future for in-crop use?

Response 6: EPA will consider all available information in its decision-making process. The agency is in regular contact with farmers, researchers, and agricultural companies to remain informed of any dicamba issues occurring in the 2018 growing season. (from July DTN press inquiry)

From: Baris, Reuben

Sent: Wednesday, August 08, 2018 3:29 PM

To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Subject: ny times response

Do you have the response we drafted?

REUBEN BARIS | PRODUCT MANAGER, TEAM 25 | HERBICIDE BRANCH

U.S. ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF PESTICIDE PROGRAMS | (703) 305-7356

Message

From: Goodis, Michael [Goodis.Michael@epa.gov]
Sent: 8/30/2018 2:39:54 PM
To: Kenny, Daniel [Kenny.Dan@epa.gov]; Baris, Reuben [Baris.Reuben@epa.gov]; Hathaway, Margaret [Hathaway.Margaret@epa.gov]
CC: Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]; Davis, Donna [Davis.Donna@epa.gov]
Subject: FW: Dicamba - Request from the Vice President
Attachments: Dicamba 8.30.2018 (1).docx

FYI

Michael L. Goodis, P.E.
Director, Registration Division (RD)
Office of Pesticide Programs (OPP)

Phone 703-308-8157
Room S7623

From: Keller, Kaitlin
Sent: Thursday, August 30, 2018 9:39 AM
To: Baptist, Erik <Baptist.Erik@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>
Cc: Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>
Subject: RE: Dicamba - Request from the Vice President

All- Here is the updated version with all comments incorporated.

Mike—Since there are no additional comments this morning, Charlotte has asked that you send this version over to OVP.

Thanks,
Kaitlin

Kaitlin Keller, Special Assistant
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
(202) 564-7098

From: Baptist, Erik
Sent: Wednesday, August 29, 2018 8:01 PM
To: Beck, Nancy <Beck.Nancy@epa.gov>
Cc: Keller, Kaitlin <keller.kaitlin@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>
Subject: Re: Dicamba - Request from the Vice President

Just a few suggestions in CAPS:

- In late 2016, EPA registered dicamba products for “over-the-top”(OTT) use on soybeans and cotton plants that have been genetically engineered to be tolerant to dicamba (also known as dicamba-resistant cotton and soybeans).

WE DO NOT NEED “(OTT)” BECAUSE WE DO NOT USE IT AGAIN.

- Registrations expire in November/December 2018. EPA placed this time limit on the registrations to allow the Agency to either to let them expire or to work with the registrants to make necessary changes in the registration to address concerns about POTENTIAL adverse effects related to the application of these products and potential off-target movement.

STATUS:

- ANY REGISTRATION EXTENSION WOULD REQUIRE additional label restrictions, WHICH could include restrictions on application timing to prohibit late-season applications, restricted number of total applications allowed annually, reduced maximum annual application rates, further restrictions to time of day for applications, and other label clarifications.

Sent from my iPhone

On Aug 29, 2018, at 5:25 PM, Beck, Nancy <Beck.Nancy@epa.gov> wrote:

Thanks. Looks ok to me!

Nancy B. Beck, Ph.D., DABT
Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
P: [202-564-1273](tel:202-564-1273)
M: [202-731-9910](tel:202-731-9910)
beck.nancy@epa.gov

On Aug 29, 2018, at 8:27 PM, Keller, Kaitlin <keller.kaitlin@epa.gov> wrote:

See attached revised version. Note that I pulled together the state bullet from the AAPCO letter that came in today (also attached), which may not represent broader feedback from the states.

From: Bertrand, Charlotte
Sent: Wednesday, August 29, 2018 2:52 PM
To: Keller, Kaitlin <keller.kaitlin@epa.gov>
Cc: Baptist, Erik <Baptist.Erik@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>
Subject: Fwd: Dicamba - Request from the Vice President

Thanks. Can you

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP) I've added Erik, Nancy, Mike and Tate for their input. I'm going to be out of pocket soon driving. Thanks for doing this so quickly!

Sent from my iPhone

Begin forwarded message:

From: "Keller, Kaitlin" <keller.kaitlin@epa.gov>
Date: August 29, 2018 at 2:41:10 PM EDT
To: "Bertrand, Charlotte" <Bertrand.Charlotte@epa.gov>
Cc: "Beck, Nancy" <Beck.Nancy@epa.gov>, "Baptist, Erik" <Baptist.Erik@epa.gov>
Subject: RE: Dicamba - Request from the Vice President

Here's a first cut. Pulled background from previous materials and current status mostly from Cheryl's draft desk statement, the only new info is the updated complaints (from AAPCO's spreadsheet).

From: Bertrand, Charlotte
Sent: Wednesday, August 29, 2018 1:58 PM
To: Keller, Kaitlin <keller.kaitlin@epa.gov>
Subject: Re: Dicamba - Request from the Vice President

The person we are briefing will need to start from scratch - has no background on what Dicamba is.

Sent from my iPhone

On Aug 29, 2018, at 1:55 PM, Keller, Kaitlin <keller.kaitlin@epa.gov> wrote:

Yes--If you are okay with the desk statement Cheryl sent at 7am this morning, I will pull from that to update the language on decision-making

From: Bertrand, Charlotte
Sent: Wednesday, August 29, 2018 1:40 PM
To: Goodis, Michael <Goodis.Michael@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>
Cc: Keller, Kaitlin <keller.kaitlin@epa.gov>
Subject: Fwd: Dicamba - Request from the Vice President

Hi - looks like Ryan would like to be on call too. Can you schedule around his calendar as well. Also, Kaitlin can you have a one pager dusted off for me to look at about 4pmish? Thanks.

Sent from my iPhone

Begin forwarded message:

From: "Jackson, Ryan" <jackson.ryan@epa.gov>
Date: August 29, 2018 at 1:29:41 PM EDT

To: "Bertrand, Charlotte"
<Bertrand.Charlotte@epa.gov>
Cc: "Bennett, Tate"
<Bennett.Tate@epa.gov>, "Baptist,
Erik" <Baptist.Erik@epa.gov>, "Beck,
Nancy" <Beck.Nancy@epa.gov>,
"Bolen, Brittany"
<bolen.brittany@epa.gov>
Subject: RE: Dicamba - Request from
the Vice President

I can be on the call as well. Is there an
update I can get on what we plan to
present today?

From: Bertrand, Charlotte
Sent: Wednesday, August 29, 2018
12:39 PM
To: Jackson, Ryan
<jackson.ryan@epa.gov>
Cc: Bennett, Tate
<Bennett.Tate@epa.gov>; Baptist, Erik
<Baptist.Erik@epa.gov>; Beck, Nancy
<Beck.Nancy@epa.gov>; Bolen, Brittany
<bolen.brittany@epa.gov>
Subject: Fwd: Dicamba - Request from
the Vice President

Ryan - just wanted to make you aware
of this request from the office of the VP
for an update on our Dicamba
registration decision. We are going to
set something up for tomorrow. Tate is
joining the call. Charlotte

From: Hickey, Jonathan
P. EOP/OVP
[mailto:Jonathan.P.Hick
ey@ovp.eop.gov]
Sent: Wednesday,
August 29, 2018 9:03
AM
To: Goodis, Michael
<Goodis.Michael@epa.
gov>
Cc: guilaran.you-
ting@epa.gov; Keigwin,
Richard
<Keigwin.Richard@epa.
gov>; Hickey, Jonathan

P. EOP/OVP

<Jonathan.P.Hickey@ovp.eop.gov>

Subject: Introduction & Question

Hi Mike,

Sending you and Richard & Quilaran this note to introduce myself and see if we could schedule a call to help us here at OVP understand an inquiry the Vice President recently recieved.

My name is Jon Hickey and I recently joined the Vice President's Domestic Policy team. Part of my portfolio is Environment. I look forward to working with you and your team!

The Vice President recently received an inquiry from a constituent concerned about Dicamba and the upcoming expiration of the Xtendimax with Vapor Grip Technology Label. Would you have time to discuss this at some point today?

Also, if there is a time when you (and/or whoever you feel

appropriate from your
team) would have time
to meet perhaps next
week just to make face-
to-face introductions
and perhaps to get an
overview of the
Pesticides Program?

Thanks!

Best regards,

Jon

Jon Hickey

Office of the Vice
President

Special Advisor for
Domestic Policy

(202)395-1659

<18-001-0391.pdf>

<Dicamba 8.29.2018.docx>

Message

From: Goodis, Michael [Goodis.Michael@epa.gov]
Sent: 8/29/2018 9:12:47 PM
To: Bolen, Derrick [bolen.derrick@epa.gov]
CC: Messina, Edward [Messina.Edward@epa.gov]; Kenny, Daniel [Kenny.Dan@epa.gov]; Baris, Reuben [Baris.Reuben@epa.gov]
Subject: RE: Dicamba - Request from the Vice President

Thanks Derrick

Can you also add Ed Messina, Dan Kenny and Reuben Baris to the call invite please. Thanks

Michael L. Goodis, P.E.
Director, Registration Division (RD)
Office of Pesticide Programs (OPP)

Phone 703-308-8157
Room S7623

From: Bolen, Derrick
Sent: Wednesday, August 29, 2018 3:18 PM
To: Goodis, Michael <Goodis.Michael@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>
Cc: Keller, Kaitlin <keller.kaitlin@epa.gov>
Subject: RE: Dicamba - Request from the Vice President

Great, we can use the following line...

Ex. 6 Conference Code (CC)

From: Goodis, Michael
Sent: Wednesday, August 29, 2018 2:59 PM
To: Bolen, Derrick <bolen.derrick@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>
Cc: Keller, Kaitlin <keller.kaitlin@epa.gov>
Subject: RE: Dicamba - Request from the Vice President

He responded that 2 pm will work.

Michael L. Goodis, P.E.
Director, Registration Division (RD)
Office of Pesticide Programs (OPP)

Phone 703-308-8157
Room S7623

From: Goodis, Michael
Sent: Wednesday, August 29, 2018 2:36 PM
To: Bolen, Derrick <bolen.derrick@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>
Cc: Keller, Kaitlin <keller.kaitlin@epa.gov>
Subject: RE: Dicamba - Request from the Vice President

Hi Derrick

I sent an email and left a voicemail message.
Will let you know when he responds.

Michael L. Goodis, P.E.
Director, Registration Division (RD)
Office of Pesticide Programs (OPP)

Phone 703-308-8157
Room S7623

From: Bolen, Derrick
Sent: Wednesday, August 29, 2018 2:14 PM
To: Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>
Cc: Keller, Kaitlin <keller.kaitlin@epa.gov>
Subject: RE: Dicamba - Request from the Vice President

Ryan is free after 12pm tomorrow.

Mike- Can you reach out to the VP's office and see if 2pm works for a call?

Thank you,
Derrick Bolen

From: Bertrand, Charlotte
Sent: Wednesday, August 29, 2018 1:40 PM
To: Goodis, Michael <Goodis.Michael@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>
Cc: Keller, Kaitlin <keller.kaitlin@epa.gov>
Subject: Fwd: Dicamba - Request from the Vice President

Hi - looks like Ryan would like to be on call too. Can you schedule around his calendar as well. Also, Kaitlin can you have a one pager dusted off for me to look at about 4pmish? Thanks.

Sent from my iPhone

Begin forwarded message:

From: "Jackson, Ryan" <jackson.ryan@epa.gov>
Date: August 29, 2018 at 1:29:41 PM EDT
To: "Bertrand, Charlotte" <Bertrand.Charlotte@epa.gov>
Cc: "Bennett, Tate" <Bennett.Tate@epa.gov>, "Baptist, Erik" <Baptist.Erik@epa.gov>, "Beck, Nancy" <Beck.Nancy@epa.gov>, "Bolen, Brittany" <bolen.brittany@epa.gov>
Subject: RE: Dicamba - Request from the Vice President

I can be on the call as well. Is there an update I can get on what we plan to present today?

From: Bertrand, Charlotte
Sent: Wednesday, August 29, 2018 12:39 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Bennett, Tate <Bennett.Tate@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Subject: Fwd: Dicamba - Request from the Vice President

Ryan - just wanted to make you aware of this request from the office of the VP for an update on our Dicamba registration decision. We are going to set something up for tomorrow. Tate is joining the call.
Charlotte

From: Hickey, Jonathan P. EOP/OVP [<mailto:Jonathan.P.Hickey@ovp.eop.gov>]
Sent: Wednesday, August 29, 2018 9:03 AM
To: Goodis, Michael <Goodis.Michael@epa.gov>
Cc: guilaran.you-ting@epa.gov; Keigwin, Richard <Keigwin.Richard@epa.gov>; Hickey, Jonathan P. EOP/OVP <Jonathan.P.Hickey@ovp.eop.gov>
Subject: Introduction & Question

Hi Mike,

Sending you and Richard & Quilaran this note to introduce myself and see if we could schedule a call to help us here at OVP understand an inquiry the Vice President recently recieved.

My name is Jon Hickey and I recently joined the Vice President's Domestic Policy team. Part of my portfolio is Environment. I look forward to working with you and your team!

The Vice President recently received an inquiry from a constituent concerned about Dicamba and the upcoming expiration of the Xtendimax with Vapor Grip Technology Label. Would you have time to discuss this at some point today?

Also, if there is a time when you (and/or whoever you feel appropriate from your team) would have time to meet perhaps next week just to make face-to-face introductions and perhaps to get an overview of the Pesticides Program?

Thanks!

Best regards,

Jon

Jon Hickey

Office of the Vice President

Special Advisor for Domestic Policy

(202)395-1659

Message

From: Keigwin, Richard [Keigwin.Richard@epa.gov]
Sent: 9/9/2018 9:11:08 AM
To: Baris, Reuben [Baris.Reuben@epa.gov]
CC: Goerke, Ariadne [Goerke.Ariadne@epa.gov]; Knorr, Michele [knorr.michele@epa.gov]
Subject: Fwd: Registration of Dicamba New Use on Herbicide-Tolerant Soy and Cotton - Materials for EPA Review
Attachments: image001.png; ATT00001.htm; 2018-09-04_CFS comment to EPA re Xtendimax.pdf; ATT00002.htm

Rick Keigwin
Director, Office of Pesticide Programs
U.S. Environmental Protection Agency
Phone: 703-305-7090
Website: www.epa.gov/pesticides
Sent from my iPhone

Begin forwarded message:

From: Amy van Saun <AvanSaun@CenterforFoodSafety.org>
Date: September 6, 2018 at 9:40:36 PM EDT
To: "keigwin.richard@epa.gov" <keigwin.richard@epa.gov>, "baris.reuben@epa.gov" <baris.reuben@epa.gov>, "Wheeler.andrew@Epa.gov" <Wheeler.andrew@Epa.gov>
Subject: Registration of Dicamba New Use on Herbicide-Tolerant Soy and Cotton - Materials for EPA Review

All,

Please see attached cover letter and enclosed materials for EPA's consideration.

Sincerely,

Amy van Saun
Staff Attorney
Center For Food Safety
917 SW Oak Street, Suite 300
Portland, Oregon 97205
www.centerforfoodsafety.org
(971) 271-7372 | fax (971) 271-7374

Pronouns: she / her

Message

From: Keigwin, Richard [Keigwin.Richard@epa.gov]
Sent: 8/17/2018 8:22:29 AM
To: Baris, Reuben [Baris.Reuben@epa.gov]; Hathaway, Margaret [Hathaway.Margaret@epa.gov]
Subject: Fwd: EPA registration of Extendimax label

Rick Keigwin
Director, Office of Pesticide Programs
U.S. Environmental Protection Agency
Phone: 703-305-7090
Website: www.epa.gov/pesticides
Sent from my iPhone

Begin forwarded message:

From: Keith Peltier <proseed@gondtc.com>
Date: August 16, 2018 at 11:16:15 AM EDT
To: <keigwin.richard@epa.gov>
Subject: EPA registration of Extendimax label

Dear Mr. Keigwin

I am writing to you in the capacity of both a seedsman and a share-cropping farmer. Proseed is a regional seed company selling corn, soybeans sunflowers, and canola in North Dakota, Minnesota, and South Dakota. Our company sells Liberty beans, RR2Y beans, and Extend beans. We also have planted some Enlist beans and are awaiting Chinese approval to be able to sell them. I am a partner in two different farming operations Peltier Farm Partnership and KACA farms together with my cousin we put in about 2500 acres of Extend beans this year.

On the farm we had a very successful application season we sprayed over 2500 acres of extend beans without any incident. Our hard to control weeds of water hemp, kochia, and common ragweed were controlled extremely well. This is the first time in many years where we have only had to spray once and we just had pre's on a few acres. On the seed company side there was only about 10% of the chatter we had last year concerning drift, inversion, and volatilization.

I would say based on personal experience and the chatter from the District Sales Managers that it was a very successful application season this year with very little concerns.

All the dealers we have that are applicators participated in the mandatory Dicamba training, and they found it very beneficial and many of them used the NDAWN inversion app. I think extra care was the rule of the day and that resulted in less concerns.

Many of our dealer's customers are experiencing resistant weed issues so it is paramount that we keep this Xtendimax tool in the tool chest for weed control.

We definitely want to see the Xtend Crop System renewed as quick as possible so our customers can continue to use every tool in the tool chest to control resistant weeds.

Thank you for your consideration.

Keith Peltier

PROSEED

General Manager Proseed

e-mail proseed@gondtc.com

cell phone 1-701-341-1454
Casselton office 1-701-347-4660
Harvey office 1-800-776-3121
Skype Proseed 78

Message

From: Goodis, Michael [Goodis.Michael@epa.gov]
Sent: 10/19/2018 2:27:55 PM
To: Kenny, Daniel [Kenny.Dan@epa.gov]; Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]; Hathaway, Margaret [Hathaway.Margaret@epa.gov]
CC: Baris, Reuben [Baris.Reuben@epa.gov]
Subject: FW: New Dicamba buffers for ESA
Attachments: EFED dicamba ESA meeting 101918.docx

FYI

Michael L. Goodis, P.E.
Director, Registration Division (RD)
Office of Pesticide Programs (OPP)

Phone 703-308-8157
Room S7623

From: Costello, Kevin
Sent: Friday, October 19, 2018 9:10 AM
To: Miller, Wynne <Miller.Wynne@epa.gov>
Cc: Becker, Jonathan <Becker.Jonathan@epa.gov>; Chism, William <Chism.Bill@epa.gov>; Tindall, Kelly <tindall.kelly@epa.gov>; Hawkins, Caleb <Hawkins.Caleb@epa.gov>; Kaul, Monisha <Kaul.Monisha@epa.gov>; Kiely, Timothy <Kiely.Timothy@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>
Subject: RE: New Dicamba buffers for ESA

INTERNAL, DELIBERATIVE, CONFIDENTIAL, do not cite

Wynne,

I just returned from the EFED meeting (which included Michelle Knorr of OGC). My contribution was to take the most accurate notes I could. The attached document is very much **internal, deliberative and confidential**.

SUMMARY

Ex. 5 Deliberative Process (DP)

Kev

From: Miller, Wynne
Sent: Friday, October 19, 2018 8:12 AM
To: Costello, Kevin <Costello.Kevin@epa.gov>
Cc: Becker, Jonathan <Becker.Jonathan@epa.gov>; Chism, William <Chism.Bill@epa.gov>; Tindall, Kelly <tindall.kelly@epa.gov>; Hawkins, Caleb <Hawkins.Caleb@epa.gov>; Kaul, Monisha <Kaul.Monisha@epa.gov>; Kiely, Timothy <Kiely.Timothy@epa.gov>
Subject: Re: New Dicamba buffers for ESA

Oops - just saw this. Thx Kevin!!

Sent from my iPhone

On Oct 19, 2018, at 7:59 AM, Costello, Kevin <Costello.Kevin@epa.gov> wrote:

Marietta just invited me to the 8 am meeting EFED has on the subject. I will go now.

From: Becker, Jonathan
Sent: Friday, October 19, 2018 7:55 AM
To: Miller, Wynne <Miller.Wynne@epa.gov>
Cc: Chism, William <Chism.Bill@epa.gov>; Tindall, Kelly <tindall.kelly@epa.gov>; Hawkins, Caleb <Hawkins.Caleb@epa.gov>; Kaul, Monisha <Kaul.Monisha@epa.gov>; Costello, Kevin <Costello.Kevin@epa.gov>; Kiely, Timothy <Kiely.Timothy@epa.gov>
Subject: New Dicamba buffers for ESA

Hi Wynne,

I've heard Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

If you get a chance, please could you ask Marietta if my interpretation is correct?

Thanks,

Jonathan

Message

From: MARVIN, THOMAS [AG/1920] [thomas.marvin@monsanto.com]
Sent: 8/9/2018 12:28:05 AM
To: Keigwin, Richard [Keigwin.Richard@epa.gov]; Goodis, Michael [Goodis.Michael@epa.gov]; Baris, Reuben [Baris.Reuben@epa.gov]; Kenny, Daniel [Kenny.Dan@epa.gov]; Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]; Messina, Edward [Messina.Edward@epa.gov]
Subject: FW: Update #6 on XtendiMax® with VaporGrip® Technology
Attachments: ATT00001.txt

Just an FYI on our latest report to academics.

Tom Marvin
Director, Federal Regulatory Affairs
1300 I Street, NW
Washington, DC 20005
Cell: 202-676-7846
Desk: 202-383-2851

From: _WITTEN, TY [AG/1000]
Sent: Wednesday, August 08, 2018 3:06 PM
To: _WITTEN, TY [AG/1000] <ty.witten@monsanto.com>
Subject: Update #6 on XtendiMax® with VaporGrip® Technology

Academic colleagues,

Just a slight update from the version I previously sent. Please continue sending me feedback so I can make these updates as useful as possible. Thanks.

- **Update on XtendiMax Field Trials:** We continue to partner with weed scientists this season on XtendiMax® with VaporGrip® Technology field trials, including low tunnel and large scale drift and volatility trials. Dr. Rodrigo Werle at the University of Wisconsin recently hosted a field day to discuss his team's XtendiMax research, which evaluated off-target movement via physical drift and volatility when XtendiMax was applied on roughly 8 acres of a 30-acre field. Dr. Werle's team treated Roundup Ready 2 Xtend® soybeans with a tank mixture of XtendiMax, Roundup PowerMAX® and Intact™. The treated area was surrounded by non-dicamba tolerant soybeans, considered a sensitive crop, which for research purposes allowed for measurement of off-target movement through plant effects. (According to the XtendiMax label, do not spray when the wind is blowing toward adjacent non-dicamba tolerant susceptible crops.)

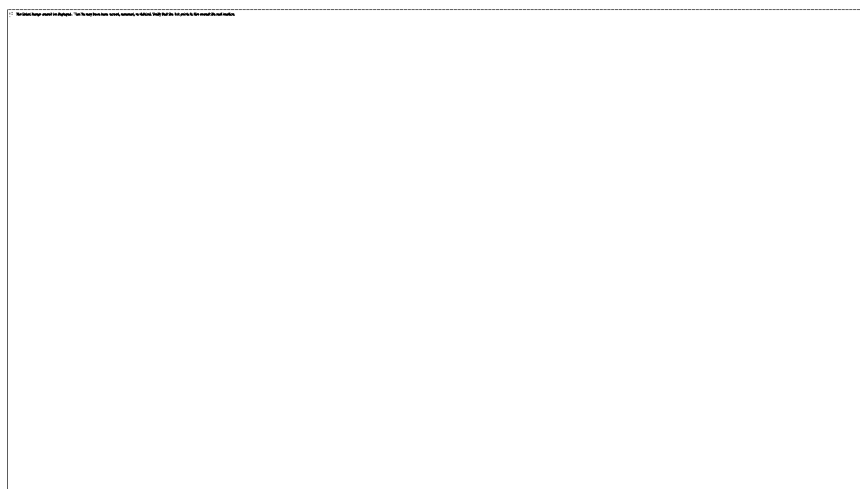
Take a look at [this video by Dr. Werle](#) for a description of the trial, and review the [trial protocol](#) for additional details. Also see the chart below for a list of similar field days hosted by some of our academic partners. If you would like to observe trials at these testing locations, please let me know.

University/Host	Location	Date
University of Nebraska/ Dr. Greg Kruger	North Platte, Nebraska	Aug. 13
University of Guelph/ Dr. Peter Sikkema	London, Ontario	Aug. 17
Purdue University/ Dr. Bryan Young	Montezuma, Indiana	Aug. 22

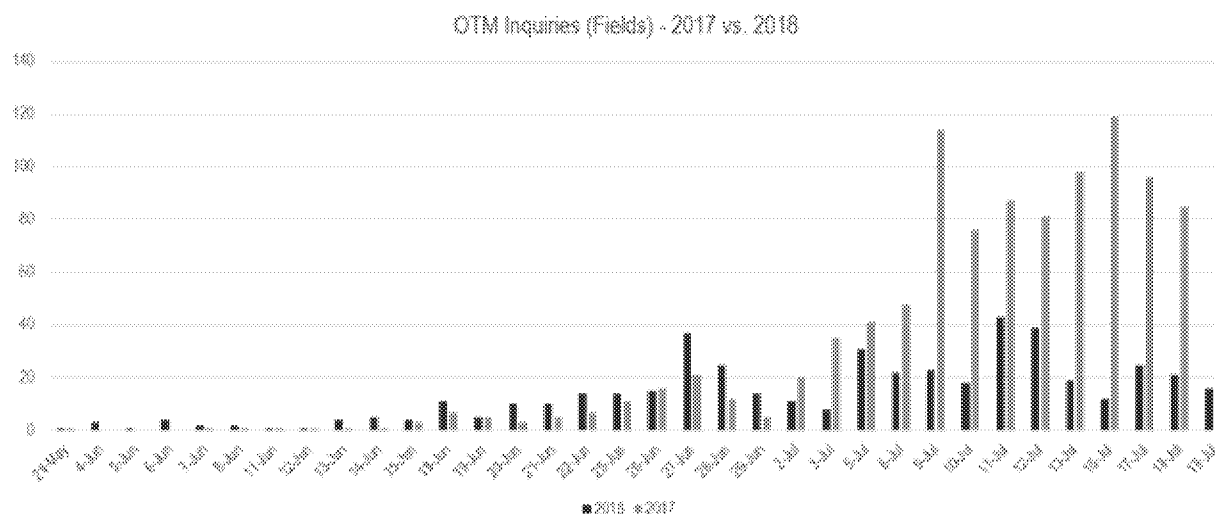
In addition to these academic trials, we are also conducting Monsanto-led trials under Good Laboratory Practices (GLP). We've recently completed a large-scale drift and volatility trial with an application of XtendiMax® Herbicide with VaporGrip® Technology plus Roundup PowerMAX® and an approved DRA in North Dakota (under a date cutoff exemption from the state). We are also gathering results on trials in Minnesota, Nebraska, Missouri, Arizona and other states. We'll share those results with you as they become available.

- **Developmental Testing:** Also, we are testing pipeline and future dicamba formulations in various locations across the U.S. Some of these trials are being conducted in cooperation with academics.
- **Dicamba Inquiries¹:** According to the latest USDA crop progress report (as of August 5), 92% of the soybean crop was blooming, and 67% of the crop is in excellent or good condition (compared to 60% at this time last year). While some applications remain in double crop soybeans and cotton, applications across most of the country are complete, and our grower customers, custom applicators and retailers are reporting success, with on-target applications over broad acreage and outstanding weed control.

The charts below outline a year-over-year comparison of off-target movement inquiries as of July 19, 2017 and July 19, 2018. This year we've received 53% fewer off-target movement inquiries from applicators and non-applicators compared to this same time last year – 468 in 2018 compared to 1,002 in 2017. That's roughly 9 inquiries per million acres of Xtend soybeans and cotton planted in 2018 (>50M acres total) compared to 40 inquiries per million acres of Xtend soybeans and cotton planted in 2017 (>25M acres total). While we've seen a few timeframes where inquiries have risen and then decreased, overall off-target movement inquiries this season remain far fewer than last season.



Xtend acres based on Aug. 6, 2018 data



As we've walked fields for 450 of the 468 off-target movement inquiries received from both applicators and non-applicators, we've been able to draw some conclusions (based on follow-up on inquiries made on or before July 19).

- The label enhancements and the training conducted in 2018 have had notable success in helping applicators reduce off-target movement. And overall, the incidences of non-compliance with the XtendiMax label were small—and substantially fewer than in 2017. For example, only **eight** applicators inadvertently mixed AMS in the tank in 2018—a dramatic improvement from 2017.
- System hygiene/contamination improved dramatically this year as a result of the increased training and the label enhancements. It was the cause of symptomology in approximately 5 percent of reported incidents this season. For example, a large retailer in Illinois estimated they custom applied dicamba on over 175,000 Xtend soybean acres in 2018 and had no tank contamination, compared to tank contamination being the most common reason they received inquiries in 2017.
- Other herbicides remain a factor. A detailed review of the symptomology demonstrated, from non-applicator fields, that in 13 percent of cases this season, dicamba could not have been the cause of the alleged incident. For example, in some cases the symptomology was consistent with 2,4-D exposure.
- We've also seen label non-compliance continue to be a factor. Of the 163 completed evaluations for applicator off-target movement inquiries (as of July 19), the following are the top label requirements for which non-compliance was determined.

Application Requirements (Applicator Reported)	Label Non-Compliance (%)*
Awareness of Nearby Sensitive Crops	66%
Use of Required Buffer	49%
Approved Tank Mix	28%

*Based on 163 applicator evaluations completed as of July 19

Overall these findings tell us that education and training work, and for the 2019 season we have the opportunity for additional training on application requirements like increased awareness of nearby sensitive crops (a critical requirement for any pesticide application). We also have a chance for discussions around the impacts that applications of other dicamba formulations or Group 4 herbicides on corn, small grain, pasture or other fields can have on non-dicamba tolerant soybean fields. Those impacts are particularly evident in seasons like this one that saw weather push back application timing, meaning there was a greater chance that corn and soybean fields may have been receiving post-emergence applications in similar timeframes.

As we move into the final months of the season we continue to ask growers who believe there's symptomology on a field to contact us as quickly as possible at 1-844-RRXTEND. We also invite you to contact us if we can be of assistance, or you have any comments or topics you'd like to discuss.

¹Inquiries are defined as the number of fields for which calls are received to 1-844-RRXTEND from applicators or non-applicators. The inquiry figures are not necessarily equal to the number of calls received since a single call could include one or multiple fields. It is also possible that a field could be counted twice if we receive a call from an applicator and a non-applicator about the same field. Please let me know if you have any questions.

Off-Target Movement Inquiries as of July 19

Inquiries from applicators and non-applicators about potential off-target movement	468
Number of off-target movement inquiries from applicators and non-applicators visited as of July 19	450
Number of off-target movement inquiries where upwind symptomology was observed when XtendiMax was applied*	8**
Number of states from which off-target movement inquiries received	20

***As observed from XtendiMax applicators and supported by applicator reported and/or Climate weather data of wind direction at the time of application**

****No uniform or field-level symptomology was observed. All observed symptomology was adjacent to application field and exhibited pattern and/or gradient**

As of July 19, we've also received 590 inquiries about weed performance² and 2 inquiries about crop response.

- **AAPCO Data:** The Association of American Pesticide Control Officials (AAPCO) released its latest state Departments of Agriculture inquiry report this week. You can view AAPCO's latest report [here](#).

²These inquiries have involved factors like: application on weeds that aren't controlled by the dicamba mode of action; application that occurred too late, once a weed was larger than 4" or in a flowering stage; and application at an incorrect rate. We are following the conditions of the registration process for these weed performance inquiries.

As always, don't hesitate to reach out to me with any questions about these inquiry details or other topics.

Thanks,
Ty

Dr. Ty Witten
North America Crop Protection Lead
Monsanto Technology Development & Agronomy
800 North Lindbergh Blvd.
St. Louis, MO 63167
Ph#: (314) 694-6528

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Message

From: Goodis, Michael [Goodis.Michael@epa.gov]
Sent: 8/29/2018 4:40:28 PM
To: Kenny, Daniel [Kenny.Dan@epa.gov]; Baris, Reuben [Baris.Reuben@epa.gov]; Hathaway, Margaret [Hathaway.Margaret@epa.gov]
CC: Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]; Davis, Donna [Davis.Donna@epa.gov]
Subject: FW: Dicamba - Request from the Vice President

FYI stay tuned.

Michael L. Goodis, P.E.
Director, Registration Division (RD)
Office of Pesticide Programs (OPP)

Phone 703-308-8157
Room S7623

From: Bertrand, Charlotte
Sent: Wednesday, August 29, 2018 12:21 PM
To: Goodis, Michael <Goodis.Michael@epa.gov>
Cc: Beck, Nancy <Beck.Nancy@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>; Guilaran, Yu-Ting <Guilaran.Yu-Ting@epa.gov>
Subject: Re: Dicamba - Request from the Vice President

Mike - Nancy is traveling out of the country this week and I'm in Vermont today. Tomorrow would be a better day for scheduling a discussion. I'll check to see if others in the AO may want to join us. Charlotte

Sent from my iPhone

On Aug 29, 2018, at 12:09 PM, Goodis, Michael <Goodis.Michael@epa.gov> wrote:

Hi Nancy

Please see the request below from the Vice President's office regarding the EPA's pending registration decision for the dicamba products.

I called Jon Hickey (Special Advisor for Domestic Policy, Office of the VP) back just to let him know we received the request and to get a better understanding of what is being requested and why.

What he communicated is that a constituent in IN contacted the Vice President to voice a concern that additional application restrictions are needed if the registration is continued and the Vice President what to better know what the EPA intends to do so he can respond the person.

I let him know that we can arrange a time to discuss this issue with him, but that I needed to let the right people in the agency know about the request and so we have the right people on the call.

Jon requested a time today or tomorrow to have a phone discussion with him, following which he intends to prepare a 1-pager based on the information provided for the Vice President.

Please let me know how you would like to proceed. Thanks

Michael L. Goodis, P.E.
Director, Registration Division (RD)
Office of Pesticide Programs (OPP)

Phone 703-308-8157

From: Hickey, Jonathan P. EOP/OVP [<mailto:Jonathan.P.Hickey@ovp.eop.gov>]
Sent: Wednesday, August 29, 2018 9:03 AM
To: Goodis, Michael <Goodis.Michael@epa.gov>
Cc: guilaran.you-ting@epa.gov; Keigwin, Richard <Keigwin.Richard@epa.gov>; Hickey, Jonathan P. EOP/OVP <Jonathan.P.Hickey@ovp.eop.gov>
Subject: Introduction & Question

Hi Mike,

Sending you and Richard & Quilaran this note to introduce myself and see if we could schedule a call to help us here at OVP understand an inquiry the Vice President recently recieved.

My name is Jon Hickey and I recently joined the Vice President's Domestic Policy team. Part of my portfolio is Environment. I look forward to working with you and your team!

The Vice President recently received an inquiry from a constituent concerned about Dicamba and the upcoming expiration of the Xtendimax with Vapor Grip Technology Label. Would you have time to discuss this at some point today?

Also, if there is a time when you (and/or whoever you feel appropriate from your team) would have time to meet perhaps next week just to make face-to-face introductions and perhaps to get an overview of the Pesticides Program?

Thanks!

Best regards,
Jon

Jon Hickey
Office of the Vice President
Special Advisor for Domestic Policy
(202)395-1659

Message

From: Keigwin, Richard [Keigwin.Richard@epa.gov]
Sent: 8/20/2018 9:24:19 PM
To: Baris, Reuben [Baris.Reuben@epa.gov]; Hathaway, Margaret [Hathaway.Margaret@epa.gov]
Subject: FW: Xtendimax Regulation

From: Mitch Zumbach [mailto:mitch@dekalbdealer.com]
Sent: Monday, August 20, 2018 1:44 PM
To: Keigwin, Richard <Keigwin.Richard@epa.gov>
Subject: Xtendimax Regulation

As a grower I have had first hand experience with the Xtend Crop System. It has given me the flexibility to choose what herbicides I can use on my operation to control problem weeds in my soybean crop. I have sprayed thousands of acres of dicamba products over the past 2 years with minimal issues. When used correctly the technology performs better than advertised with no drift and excellent weed control. In 2018 the guidelines for application were updated to improved buffers and field condition tools, I used these in conjunction with my own experience to spray Xtend soybean fields surrounded by non Xtend soybean fields with no harm to the non Xtend fields and ultimate weed control on my own field.

As a custom applicator I have also had the experience of spraying Xtend fields that were not my own. With the new guidelines and training released last winter I was able to prepare for the application of Xtend to customers fields giving them the peace of mind of a great weed control system while not affecting their neighbors. This gives the customer the highest yield possible while maintaining clean fields.

Renewing the registration for the Xtend Crop System is very important to the whole scope of agriculture. Whether you use the Xtend Crop System or another herbicide/seed system, it is imperative that we have the flexibility to control weeds in crops to raise the highest yielding crops to feed the rest of the world.

Thank you for your time,
Mitch Zumbach

Message

From: Hathaway, Margaret [Hathaway.Margaret@epa.gov]
Sent: 8/14/2018 1:54:58 PM
To: Baris, Reuben [Baris.Reuben@epa.gov]
Subject: FW: FYI Monsanto Position Paper - RE: Dicamba volatility
Attachments: The Scientific Basis for Understanding the Off-Target Movement Potential....pdf

FYI – Monsanto’s white paper.

From: Hathaway, Margaret
Sent: Tuesday, August 07, 2018 2:16 PM
To: Davis, Donna <Davis.Donna@epa.gov>
Subject: FW: FYI Monsanto Position Paper - RE: Dicamba volatility

FYI – Here’s Monsanto’s position paper on Xtendimax.

From: Hathaway, Margaret
Sent: Tuesday, August 07, 2018 2:00 PM
To: Anderson, Brian <Anderson.Brian@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Peck, Charles <Peck.Charles@epa.gov>; Eckel, William <Eckel.William@epa.gov>; Wait, Monica <Wait.Monica@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>
Subject: FYI Monsanto Position Paper - RE: Dicamba volatility

Hi Brian:

Thanks very much for this summary of EFED’s conclusions thus far. On a related note, Monsanto emailed Reuben today with a copy of a position paper (attached) entitled “THE SCIENTIFIC BASIS FOR UNDERSTANDING THE OFF-TARGET MOVEMENT POTENTIAL OF XTENDIMAX” in support of the continued registration of XtendiMax Herbicide for use on dicamba-tolerant soybeans and cotton.

RD is still deciding whether or not this needs to be formally beaned, but I think it would be good for EFED to at least have a courtesy copy. I’m still reading the document, but noted that Monsanto states that “there is no material difference in the volatility characteristics of XtendiMax across a wide range of soil types and pH levels, geographies, and temperatures, rebutting any hypotheses that such variations may cause volatility in quantities that will impact plant height outside of the treated field.”

- Meg

From: Anderson, Brian
Sent: Tuesday, August 07, 2018 8:18 AM
To: Baris, Reuben <Baris.Reuben@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Peck, Charles <Peck.Charles@epa.gov>; Eckel, William <Eckel.William@epa.gov>; Wait, Monica <Wait.Monica@epa.gov>
Subject: Dicamba volatility

Hi RD Dicamba Team,

Chuck put together a summary of the two new volatility studies. The results are graphed at the end overlaid with the results of the previously submitted data.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

So basically,

the story so far is that:

1. Dicamba is semi-volatile. New formulations were submitted over the last several years for over the top use to cotton and soybean that claimed decreased volatility.
2. EFED's initial risk assessment evaluated volatility based on available field volatility studies for the new formulations. The modeling suggested that volatility is not expected to result in effects to non-target plants off the field.

3.

4.

Ex. 5 Deliberative Process (DP)

5. Pre-publication (preliminary Mueller data) data also suggests that dicamba volatilization appears to increase with decreases in the tank mix pH (none of the submitted field studies included tank mix measurements of pH).
6. We are evaluating whether or not the results of the new studies would result in different conclusions with regard to non-target plant effects from volatility.

Thanks

Brian

Brian Anderson
Office of Pesticide Programs
Environmental Fate and Effects Division
703.305.0067

Message

From: Goodis, Michael [Goodis.Michael@epa.gov]
Sent: 8/10/2018 2:41:53 PM
To: Kenny, Daniel [Kenny.Dan@epa.gov]; Baris, Reuben [Baris.Reuben@epa.gov]; Hathaway, Margaret [Hathaway.Margaret@epa.gov]
CC: Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]; Davis, Donna [Davis.Donna@epa.gov]
Subject: FW: Ag Retailers Discuss Dicamba

Michael L. Goodis, P.E.
Director, Registration Division (RD)
Office of Pesticide Programs (OPP)

Phone 703-308-8157
Room S7623

From: Beck, Nancy
Sent: Friday, August 10, 2018 10:37 AM
To: Keigwin, Richard <Keigwin.Richard@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>
Subject: FW: Ag Retailers Discuss Dicamba

Nancy B. Beck, Ph.D., DABT
Deputy Assistant Administrator, OCSPP
P: 202-564-1273
M: 202-731-9910
beck.nancy@epa.gov

From: Bennett, Tate
Sent: Friday, August 10, 2018 10:35 AM
To: Beck, Nancy <Beck.Nancy@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Subramanian, Hema <Subramanian.Hema@epa.gov>
Subject: Ag Retailers Discuss Dicamba

<https://www.dtnpf.com/agriculture/web/ag/perspectives/blogs/production-blog/blog-post/2018/08/10/ag-retailers-discuss-dicamba>

The 113 responses in the survey show a divided membership. Almost 35% of the answers came from central Illinois, which is an area heavily devoted to custom application. In the poll, 90% of the applicators said they sprayed dicamba in 2018. Over 70% said they observed symptoms in adjacent non-dicamba-tolerant soybeans when the wind was not blowing toward the field at the time of application. Nearly 55% said they saw fields where multiple dicamba exposures likely occurred. The finger was pointed at volatility as the primary factor for those symptoms.

Still, the symptoms observed were reported as "light cupping" of soybean leaves, and over 70% ranked weed control in Xtend soybeans as good to excellent.

"Do not apply when sensitive crops are downwind" was ranked as the most difficult aspect of the label for applicators, followed by wind-speed requirements, identifying nearby sensitive crops, inversions, in-field buffers, clean-out procedures, soybean growth cut-off stage, recordkeeping and no pre-sunrise or post-sunset applications. Nozzles were the least difficult aspect.

"What really stood out is this: Dicamba works on weeds and in areas of the state where we have a lot of pressure. However, it is very difficult to keep on target by even the most professional, experienced applicators," Payne told DTN. "We have to define some parameters that work better for the professional applicators."

EPA tacked on additional label restrictions for the 2108 season after off-target movement issues became apparent the previous year, the first year Engenia, FeXapan and XtendiMax were available to use in-season on Xtend crops.

"Not that we need more restrictions, but there are things on that label that need to be better defined (such as the downwind designations), and the registrants have to understand that," Payne said.

"IFCA's position has always been stewardship is important and regulations don't mean anything unless they can be enforced," she added. "I think there's definitely room to better define the language on those labels and still allow use of this product."

The 41-question IFCA survey reveals that, despite challenges, 46% of those commercial applicators still consider the technology to be largely positive when considering all aspects of the dicamba experience. The rest were negative or neutral.

Payne said there's no time to waste if farmers and applicators want a say in this issue. The clock is ticking on the dicamba labels. "Some of these discussions might be uncomfortable, but how much more uncomfortable can we get?"

"The trait is going to be in the field next year, whether we have an approved herbicide or not," Payne noted.

Payne acknowledged that some may balk at the remedies IFCA will likely suggest. Stiff penalties for those who shirk the rules may be included in the suggestions. "But farmers that want this weed control need to embrace compromise because it what may be what allows them to keep it as a tool," she added.

"I'm lucky to work for an organization that would rather be at the table offering ideas, rather than reacting. We have to use pesticides in manner that assures public trust in our industry. Society rightfully expects the agricultural industry to successfully co-exist in increasingly diverse rural and urban communities," she said.

Message

From: Keigwin, Richard [Keigwin.Richard@epa.gov]
Sent: 8/15/2018 7:49:44 PM
To: Baris, Reuben [Baris.Reuben@epa.gov]; Hathaway, Margaret [Hathaway.Margaret@epa.gov]
Subject: FW: Xtendimax Registration
Attachments: ATT00001.txt

From: Bruce Ceranske [mailto:bruce@legacyseeds.com]
Sent: Wednesday, August 15, 2018 12:55 PM
To: Keigwin, Richard <Keigwin.Richard@epa.gov>
Subject: Xtendimax Registration

Dear Mr. Keigwin:

My name is Bruce Ceranske from Scandinavia, Wisconsin. I am a farmer and president of Legacy Seeds, LLC. We sell various soybean technologies to growers in a multi-state area comprising of Michigan, Wisconsin, Minnesota and North Dakota. I would like to let you know that I support the registration of Xtendimax herbicide. As a farmer in Central Wisconsin, we are facing serious weed pressure from glyphosate resistant waterhemp. Glyphosate resistant waterhemp is almost impossible to control without Xtendimax at this point. My company is also testing products from DOW that have 2,4-D that will control glyphosate resistant weeds however, they are not currently available for use.

Mr. Keigwin, I have taken the Xtendimax training and I know that growers will be responsible and use the product according to the label. As a farmer and seedsman, I do not want to misuse anything that off label, period. As a steward of the land I farm and seed I market to my fellow soybean growers, it is my responsibility to follow the guidelines set forth.

Please keep Xtendimax available to growers because without it we have limited choice, and will take a reduction in yields and income.

Respectfully,

BRUCE CERANSKE
President
P.O. Box 68
290 Depot Street
Scandinavia, Wisconsin 54977
715-467-2555 Office
715-281-0702 Cell
www.legacyseeds.com



Message

From: Hathaway, Margaret [Hathaway.Margaret@epa.gov]
Sent: 7/25/2018 7:28:30 PM
To: Kenny, Daniel [Kenny.Dan@epa.gov]; Baris, Reuben [Baris.Reuben@epa.gov]; Lantz, Tracy [Lantz.Tracy@epa.gov]
CC: Han, Kaythi [Han.Kaythi@epa.gov]; Miller, Robert [Miller.Robert@epa.gov]
Subject: RE: PRESS INQUIRY FOR REVIEW; Dicamba; Arkansas Democrat Gazette DUE: THURSDAY 10 AM
Attachments: FW: Press Inquiry: Dicamba Drift -Track 2

Hi Bob:

I don't have a version of this email chain that contains any attachments. It's possible Reuben or Tracy have an earlier email that I didn't see. I do have the older email chain (attached) that includes an inquiry from Jacob Bunge of the Wall Street Journal. Maybe that is part of the "attached email messages" that Tracy references below?

Also, re. Dan's comment about question 4, I ran my answer to question 4 by Mike Goodis. He asks that we shorten it further, as marked below.

Thanks,
Meg

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division: Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: Miller, Robert
Sent: Wednesday, July 25, 2018 1:58 PM
To: Baris, Reuben <Baris.Reuben@epa.gov>; Lantz, Tracy <Lantz.Tracy@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: RE: PRESS INQUIRY FOR REVIEW; Dicamba; Arkansas Democrat Gazette DUE: THURSDAY 10 AM

Hi Meg,

Could you please send me the attachment for Question 5?

Thanks,

Bob

Robert A. Miller
6(a)(2) Coordinator
Information Technology and Resource Management Division
EPA Office of Pesticide Programs
Mail Code 7502P
United States Environmental Protection Agency
1200 Pennsylvania Avenue, N.W., Washington D.C.

(703) 347-8012

miller.robert@epa.gov

From: Kenny, Daniel

Sent: Wednesday, July 25, 2018 1:49 PM

To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>; Lantz, Tracy <Lantz.Tracy@epa.gov>

Cc: Han, Kaythi <Han.Kaythi@epa.gov>; Miller, Robert <Miller.Robert@epa.gov>

Subject: RE: PRESS INQUIRY FOR REVIEW; Dicamba; Arkansas Democrat Gazette DUE: THURSDAY 10 AM

A quick comment below in blue....

From: Hathaway, Margaret

Sent: Wednesday, July 25, 2018 9:47 AM

To: Baris, Reuben <Baris.Reuben@epa.gov>; Lantz, Tracy <Lantz.Tracy@epa.gov>

Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>; Miller, Robert <Miller.Robert@epa.gov>

Subject: RE: PRESS INQUIRY FOR REVIEW; Dicamba; Arkansas Democrat Gazette DUE: THURSDAY 10 AM

Hello All:

Dan won't be in the office until later today, but I took a stab at answering question 4 below.

- Meg Hathaway

From: Baris, Reuben

Sent: Wednesday, July 25, 2018 9:08 AM

To: Lantz, Tracy <Lantz.Tracy@epa.gov>

Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Miller, Robert <Miller.Robert@epa.gov>

Subject: Re: PRESS INQUIRY FOR REVIEW; Dicamba; Arkansas Democrat Gazette DUE: THURSDAY 10 AM

I'm doing this by phone so please make sure to proof it. But Meg and Dan can polish for the next step.

Grammatical: affected states not effected

For question 5 I suggest looping in Bob Miller.

Sent from my iPhone

On Jul 24, 2018, at 7:07 PM, Lantz, Tracy <Lantz.Tracy@epa.gov> wrote:

Hi Reuben,

Please review these draft responses to another dicamba press inquiry. We've responded to inquiries from this reporter twice last year (see attached) and this is the third time he has asked question #5 below. Please reply by Thursday 10 AM. Thanks!

Question 1: Does the EPA have an estimate when it will release its decision on re-registering dicamba (Xtendimax, etc.) for in-crop use? (I hear August is the timeline.)

Response 1: We are reviewing the current use restrictions on the labels for dicamba formulations in light of the incidents that have been reported this year. Our goal is to make a regulatory decision in time to for growers to make informed seed purchase decisions for the next planting season. (from July New Republic press inquiry)

Question 2: What is the EPA doing as it makes that decision? (Are EPA representatives visiting farmers, regulators, etc. in states currently reporting dicamba damage and fielding complaints?)

Response 2: EPA placed a 2-year limit dicamba's registration to allow the Agency to either let it expire or to easily make the necessary changes in the registration if there are on-going issues. EPA will consider all available information in its decision-making process. EPA is working closely with our regulatory partners in the affected states and the registrants to better understand the issues. EPA representatives are visiting growers in affected states and with advice from state and industry agriculture experts and university crop scientists, we will use a weight-of-evidence approach to evaluate whether the new restrictions are successfully preventing damage to neighboring crops and other sensitive plants. (from July BNV interview request, with edits in red to include recent tours)

Question 3: Is the EPA considering damage to non-ag interests (backyard gardens, decorative trees and shrubs) as it considers re-registration?

Response 3: EPA is aware of field reports of off field and non-target crop damage related to the use of dicamba. Past reports claim damage is mostly to non-dicamba resistant soybean, but also include peaches, melons, tomatoes, cantaloupe, grapes, pumpkins, alfalfa, non-dicamba-resistant cotton, peanuts, peas, organic crops, residential/ ornamental gardens and other non-target crops. We are actively collecting this information from states and EPA regional personnel in order to fully understand the circumstances and scope of the issues. (from July DTN press inquiry)

Question 4: Is the EPA demanding improvements by dicamba manufacturers to its formulations? RD, please provide a response to this question.

Meg/Dan will be better suited to respond here. Describing the process and decisions to be made. All options are on the table etc. not sure what mike and Rick want tot say public ally but it will involve registrants no matter what the decision is.

Ex. 5 Deliberative Process (DP)

Question 5: Under FIFRA, which requires manufacturers to report to the EPA any "adverse" incidents regarding their products, how many such reports were filed with the EPA by Monsanto, Dow and BASF regarding dicamba's use last season? (The last time I asked about

this, you cited a “fluid” situation and declined specifics. I presume last year’s problems aren’t so fluid now.)

Response 5: You would need to file a Freedom of Information Act request to obtain this information. Many documents submitted for pesticide regulatory purposes contain Confidential Business Information that by law cannot be released to the public. The FOIA process redacts CBI so the documents can be released. For more information or to make a FOIA request, see: <https://www.epa.gov/foia>. (This reporter has asked this question twice before, please see attached email messages for our responses. The specific FOIA language above was used to answer his question last July, 2017. He also asked this question in September 2017 and we said *“We have received incident reports pursuant to FIFRA 6(a)2 and anticipate that registrants will be filing additional reports shortly. According to regulations under FIFRA, registrants may accumulate incident reports for a 30-day period, and then must submit them to the Agency within 30 days after the end of each 30-day accumulation period. As this is an ongoing investigation, and a fluid situation, it would be premature for the Agency to comment further on specific details or the number of 6(a)2 reports”*.)

Question 6: Arkansas banned dicamba for in-crop use after April 16 yet has received more than 150 complaints of alleged dicamba damage. Soybean damage has been estimated at 400,000 acres in Arkansas — and 500,000 acres in Illinois, and 100,000 acres in Missouri, two states that allowed in-crop use. What does that tell the EPA about dicamba’s future for in-crop use?

Response 6: EPA will consider all available information in its decision-making process. The agency is in regular contact with farmers, researchers, and agricultural companies to remain informed of any dicamba issues occurring in the 2018 growing season. (from July DTN press inquiry)

Tracy Lantz

Communications Services Branch
Field and External Affairs Division
Office of Pesticide Programs
Environmental Protection Agency
Office: (703) 308-6415
Mobile: (571) 481-8523
Lantz.tracy@epa.gov

<mime-attachment>

<mime-attachment>

Message

From: Lantz, Tracy [Lantz.Tracy@epa.gov]
Sent: 7/25/2018 7:22:49 PM
To: Kenny, Daniel [Kenny.Dan@epa.gov]; Hathaway, Margaret [Hathaway.Margaret@epa.gov]
CC: Baris, Reuben [Baris.Reuben@epa.gov]; Han, Kaythi [Han.Kaythi@epa.gov]; Miller, Robert [Miller.Robert@epa.gov]
Subject: RE: PRESS INQUIRY FOR REVIEW; Dicamba; Arkansas Democrat Gazette DUE: THURSDAY 10 AM

OK, thanks!

Tracy Lantz

Communications Services Branch
Field and External Affairs Division
Office of Pesticide Programs
Environmental Protection Agency
Office: (703) 308-6415
Mobile: (571) 481-8523
Lantz.tracy@epa.gov

From: Kenny, Daniel
Sent: Wednesday, July 25, 2018 3:02 PM
To: Lantz, Tracy <Lantz.Tracy@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Baris, Reuben <Baris.Reuben@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>; Miller, Robert <Miller.Robert@epa.gov>
Subject: RE: PRESS INQUIRY FOR REVIEW; Dicamba; Arkansas Democrat Gazette DUE: THURSDAY 10 AM

Meg is sending a revision to #4.

From: Lantz, Tracy
Sent: Wednesday, July 25, 2018 1:42 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Baris, Reuben <Baris.Reuben@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>; Miller, Robert <Miller.Robert@epa.gov>
Subject: Re: PRESS INQUIRY FOR REVIEW; Dicamba; Arkansas Democrat Gazette DUE: THURSDAY 10 AM

Waiting for Dan's input :)

Tracy Lantz
Communications Specialist
Field and External Affairs Division
Office of Pesticide Programs
Environmental Protection Agency
Office: (703) 308-6415
Mobile: (571) 481-8523
Sent from my iPhone

On Jul 25, 2018, at 9:47 AM, Hathaway, Margaret <Hathaway.Margaret@epa.gov> wrote:

Hello All:

Dan won't be in the office until later today, but I took a stab at answering question 4 below.

- Meg Hathaway

From: Baris, Reuben

Sent: Wednesday, July 25, 2018 9:08 AM

To: Lantz, Tracy <Lantz.Tracy@epa.gov>

Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Miller, Robert <Miller.Robert@epa.gov>

Subject: Re: PRESS INQUIRY FOR REVIEW; Dicamba; Arkansas Democrat Gazette DUE: THURSDAY 10 AM

I'm doing this by phone so please make sure to proof it. But Meg and Dan can polish for the next step.

Grammatical: affected states not effected

For question 5 I suggest looping in Bob Miller.

Sent from my iPhone

On Jul 24, 2018, at 7:07 PM, Lantz, Tracy <Lantz.Tracy@epa.gov> wrote:

Hi Reuben,

Please review these draft responses to another dicamba press inquiry. We've responded to inquiries from this reporter twice last year (see attached) and this is the third time he has asked question #5 below. Please reply by Thursday 10 AM. Thanks!

Question 1: Does the EPA have an estimate when it will release its decision on re-registering dicamba (Xtendimax, etc.) for in-crop use? (I hear August is the timeline.)

Response 1: We are reviewing the current use restrictions on the labels for dicamba formulations in light of the incidents that have been reported this year. Our goal is to make a regulatory decision in time to for growers to make informed seed purchase decisions for the next planting season. (from July New Republic press inquiry)

Question 2: What is the EPA doing as it makes that decision? (Are EPA representatives visiting farmers, regulators, etc. in states currently reporting dicamba damage and fielding complaints?)

Response 2: EPA placed a 2-year limit dicamba's registration to allow the Agency to either let it expire or to easily make the necessary changes in the registration if there are on-going issues. EPA will consider all available information in its decision-making process. EPA is working closely with our regulatory partners in the affected states and the registrants to better understand the issues. EPA representatives are visiting growers in affected states and with advice from state and industry agriculture experts and university crop scientists, we will use a weight-of-evidence approach to evaluate whether the new restrictions are successfully preventing damage to neighboring crops and other sensitive plants. (from July BNV interview request, with edits in red to include recent tours)

Question 3: Is the EPA considering damage to non-ag interests (backyard gardens, decorative trees and shrubs) as it considers re-registration?

Response 3: EPA is aware of field reports of off field and non-target crop damage related to the use of dicamba. Past reports claim damage is mostly to non-dicamba resistant soybean, but also include peaches, melons, tomatoes, cantaloupe, grapes, pumpkins, alfalfa, non-dicamba-resistant cotton, peanuts, peas, organic crops, residential/ ornamental gardens and other non-target crops. We are actively collecting this information from states and EPA regional personnel in order to fully understand the circumstances and scope of the issues. (from July DTN press inquiry)

Question 4: Is the EPA demanding improvements by dicamba manufacturers to its formulations? RD, please provide a response to this question.

Meg/Dan will be better suited to respond here. Describing the process and decisions to be made. All options are on the table etc. not sure what Mike and Rick want to say publicly but it will involve registrants no matter what the decision is.

At this time EPA is in the information gathering stage of its decision-making process regarding dicamba registrations. All regulatory options are on the table, including the possibility of modifying and/or expanding the current list of use restrictions on dicamba labels. Should label changes be proposed, those changes will be developed considering all available incident information as well as input from stakeholders regarding the potential effectiveness of the proposed label updates. As a part of its evaluation of current dicamba labeling, EPA has been and continues to be in communication with not only dicamba registrants, but affected growers, federal and state regulatory partners, weed scientists, extension agents, and agricultural commodity groups.

Question 5: Under FIFRA, which requires manufacturers to report to the EPA any “adverse” incidents regarding their products, how many such reports were filed with the EPA by Monsanto, Dow and BASF regarding dicamba’s use last season? (The last time I asked about this, you cited a “fluid” situation and declined specifics. I presume last year’s problems aren’t so fluid now.)

Response 5: You would need to file a Freedom of Information Act request to obtain this information. Many documents submitted for pesticide regulatory purposes contain Confidential Business Information that by law cannot be released to the public. The FOIA process redacts CBI so the documents can be released. For more information or to make a FOIA request, see: <https://www.epa.gov/foia>. (This reporter has asked this question twice before, please see attached email messages for our responses. The specific FOIA language above was used to answer his question last July, 2017. He also asked this question in September 2017 and we said “*We have received incident reports pursuant to FIFRA 6(a)2 and anticipate that registrants will be filing additional reports shortly. According to regulations under FIFRA, registrants may accumulate incident reports for a 30-day period, and then must submit them to the Agency within 30 days after the end of each 30-day accumulation period. As*

this is an ongoing investigation, and a fluid situation, it would be premature for the Agency to comment further on specific details or the number of 6(a)2 reports".)

Question 6: Arkansas banned dicamba for in-crop use after April 16 yet has received more than 150 complaints of alleged dicamba damage. Soybean damage has been estimated at 400,000 acres in Arkansas — and 500,000 acres in Illinois, and 100,000 acres in Missouri, two states that allowed in-crop use. What does that tell the EPA about dicamba's future for in-crop use?

Response 6: EPA will consider all available information in its decision-making process. The agency is in regular contact with farmers, researchers, and agricultural companies to remain informed of any dicamba issues occurring in the 2018 growing season. (from July DTN press inquiry)

Tracy Lantz

Communications Services Branch
Field and External Affairs Division
Office of Pesticide Programs
Environmental Protection Agency
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Mobile: (571) 481-8523
Lantz.tracy@epa.gov

<mime-attachment>

<mime-attachment>

Message

From: Keigwin, Richard [Keigwin.Richard@epa.gov]
Sent: 8/20/2018 12:52:46 PM
To: Baris, Reuben [Baris.Reuben@epa.gov]; Hathaway, Margaret [Hathaway.Margaret@epa.gov]
Subject: FW: Xtend Crop System

From: Kent Banwart [mailto:kent@federalhybrids.com]
Sent: Monday, August 20, 2018 8:15 AM
To: Keigwin, Richard <Keigwin.Richard@epa.gov>
Subject: Xtend Crop System

Rick,

I am writing to express my concerns about the naysayers on the Round Up Ready Xtend Crop System.

I am one of the owners of Federal Hybrids seed company. We have access to all the different soybean trait technologies that are offered to farmers. In fact, we offer most of them in our product line up. Xtend soybeans are VERY important in our constant battle with weed control across the U.S. Xtend Soybeans made up 65% of our soybean sales this year and we have had almost ZERO complaints about drift or off target movement.

I truly believe that most of the bad comments coming from the public are from those that have a special agenda that would benefit those individuals if Xtend would not get registered again. Take for example Becks Hybrids...they are asking that the label be reduced to only be used preemerge. Basically, they know that the scenario they are proposing would harm the use of the Xtend soybeans which would give them an advantage to try to sell more Liberty Link beans.

We can make this system work successfully. One of my personal customers sprayed Xtendimax in season 30" away from his brother's beans that were not Xtend. He used the proper additives and he said the spray went straight down with no drift and his brother's beans were not affected at all. This system works fantastic and it is giving us clean fields late in the season which of course is the ultimate goal.

PLEASE RENEW THE REGISTRATION FOR XTEND SOYBEANS AND XTENDIMAX IN SEASON USE WITHOUT DELAY TO HELP FARMERS! Farmers have been hurt by the tariffs temporarily, and they don't need more difficulty right now by destroying the good options they have for weed control.

Sincerely,

Kent P. Banwart
Vice President/General Manager



Federal Hybrids, Inc.
P.O. Box 17, 209 3rd St. NE
West Bend, IA 50597
515-320-2849 cell
515-887-5888 office
kent@federalhybrids.com
www.federalhybrids.com

Message

From: Miller, Wynne [Miller.Wynne@epa.gov]
Sent: 7/31/2018 8:32:26 PM
To: Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]; Kaul, Monisha [Kaul.Monisha@epa.gov]; Anderson, Neil [Anderson.Neil@epa.gov]
CC: Baris, Reuben [Baris.Reuben@epa.gov]; Kenny, Daniel [Kenny.Dan@epa.gov]; Meadows, Sarah [Meadows.Sarah@epa.gov]; Davis, Donna [Davis.Donna@epa.gov]; Hawkins, Caleb [Hawkins.Caleb@epa.gov]; Becker, Jonathan [Becker.Jonathan@epa.gov]; Jones, Arnet [Jones.Arnet@epa.gov]; Chism, William [Chism.Bill@epa.gov]
Subject: RE: here's a new proposed "A" to the first question..... how does this look?

Thanks ... looks good. I will send these to Rick and cc y'all.

From: Rosenblatt, Daniel
Sent: Tuesday, July 31, 2018 4:23 PM
To: Kaul, Monisha <Kaul.Monisha@epa.gov>; Miller, Wynne <Miller.Wynne@epa.gov>; Anderson, Neil <Anderson.Neil@epa.gov>
Cc: Baris, Reuben <Baris.Reuben@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>; Davis, Donna <Davis.Donna@epa.gov>; Hawkins, Caleb <Hawkins.Caleb@epa.gov>; Becker, Jonathan <Becker.Jonathan@epa.gov>; Jones, Arnet <Jones.Arnet@epa.gov>; Chism, William <Chism.Bill@epa.gov>
Subject: RE: here's a new proposed "A" to the first question..... how does this look?

I'm comfortable with these going forward. Thank you!

From: Kaul, Monisha
Sent: Tuesday, July 31, 2018 4:18 PM
To: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Miller, Wynne <Miller.Wynne@epa.gov>; Anderson, Neil <Anderson.Neil@epa.gov>
Cc: Baris, Reuben <Baris.Reuben@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>; Davis, Donna <Davis.Donna@epa.gov>; Hawkins, Caleb <Hawkins.Caleb@epa.gov>; Becker, Jonathan <Becker.Jonathan@epa.gov>; Jones, Arnet <Jones.Arnet@epa.gov>; Chism, William <Chism.Bill@epa.gov>
Subject: RE: here's a new proposed "A" to the first question..... how does this look?

Dan- We made a few edits to your response to questions one. Sorry it is not in track changes. We also added our response to question 2. We are done reviewing unless you have questions or comments. Thanks. -Monisha

1. Is it correct that pre-plant only (as they request) would not allow for any over the top uses?

Beck's Hybrids is requesting the EPA restrict all soybean uses of Xtendimax except the pre-plant use. This would entail the removal of the preharvest, at-planting, preemergence, and postemergence use of Dicamba on soybean with this product. They only mention having an issue with the postemergence use specifically, so it is unclear if they truly are requesting the removal of the post-emergent uses of dicamba on other crops.

Prior to the 2017 season, dicamba could legally be used to treat weeds in soybean fields at two-time periods:

- **Preplant** (2-4 weeks prior to planting soybeans), or
- **Preharvest** (at least 7 days before harvest, once soybean pods have matured).

In 2017, 3 dicamba products were approved for the extended use on dicamba tolerant soybeans at:

- **Preplant/At-Planting/Preemergence** (Prior to or immediately after planting Roundup Ready 2 Xtend® Soybean), or
- **Postemergence** (In-crop from crop emergence up to and including beginning bloom (R1 growth stage of soybeans))

2. What percent of dicamba uses now are pre-plant only?

- The three new dicamba products are labelled for pre-plant, at-plant, and over-the-top applications.
- Actual usage data for 2017 and 2018 for these products are not yet available.
- From 2011 to 2015, about 9% of cotton and about 2% of soybean acres grown were treated annually with dicamba on average.
- Prior to the availability of over-the-top dicamba products, dicamba use on soybean and cotton was predominantly applied pre-plant based on available usage data (Proprietary Data, 2011-2015).

From: Rosenblatt, Daniel

Sent: Tuesday, July 31, 2018 12:08 PM

To: Miller, Wynne <Miller.Wynne@epa.gov>; Anderson, Neil <Anderson.Neil@epa.gov>; Kaul, Monisha <Kaul.Monisha@epa.gov>

Cc: Baris, Reuben <Baris.Reuben@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>; Davis, Donna <Davis.Donna@epa.gov>

Subject: here's a new proposed "A" to the first question..... how does this look?

1. Is it correct that pre-plant only (as they request) would not allow for any over the top uses?

Prior to the 2017 season, dicamba could legally be used to treat weeds in soybean fields at two time periods:

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- **Preplant/At-Planting/Preemergence** (Prior to or immediately after planting Roundup Ready 2 Xtend® Soybean), or
- **Postemergence** (In-crop from crop emergence up to and including beginning bloom (R1 growth stage of soybeans))

Beck's Hybrids is requesting the EPA restrict all uses but the preplant use. This would entail the removal of the preharvest, at-planting, preemergence, and postemergence use of dicamba. They only mention having an issue with the postemergence use specifically, so it is unclear if they truly are requesting the removal of the other uses.

Daniel J. Rosenblatt, Deputy Director,
Registration Division, Office of Pesticide Programs
Rosenblatt.dan@epa.gov
703-308-9366

Message

From: Baris, Reuben [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A0181E3F02A246FC915A4AF026E249FC-BARIS, REUBEN]
Sent: 8/30/2018 2:42:16 PM
To: Hathaway, Margaret [Hathaway.Margaret@epa.gov]; Schmid, Emily [Schmid.Emily@epa.gov]; Meadows, Sarah [Meadows.Sarah@epa.gov]; Becker, Jonathan [becker.jonathan@epa.gov]; Chism, William [Chism.Bill@epa.gov]; Miller, Wynne [Miller.Wynne@epa.gov]; Hawkins, Caleb [Hawkins.Caleb@epa.gov]; Kaul, Monisha [Kaul.Monisha@epa.gov]
Subject: FW: Summary of oral hearing in National Family Farm Coalition v. USEPA.

OGC's summary for those interested.

REUBEN BARIS | PRODUCT MANAGER, TEAM 25 | HERBICIDE BRANCH
U.S. ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF PESTICIDE PROGRAMS | (703) 305-7356

From: Knorr, Michele
Sent: Thursday, August 30, 2018 10:39 AM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>; Minoli, Kevin <Minoli.Kevin@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Anderson, Brian <Anderson.Brian@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>; Corbin, Mark <Corbin.Mark@epa.gov>; Peck, Charles <Peck.Charles@epa.gov>; Subramanian, Hema <Subramanian.Hema@epa.gov>
Cc: Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Perlis, Robert <Perlis.Robert@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Wise, Louise <Wise.Louise@epa.gov>
Subject: RE: Summary of oral hearing in National Family Farm Coalition v. USEPA.

Ex. 5 Attorney Client (AC)

Message

From: Baris, Reuben [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A0181E3F02A246FC915A4AF026E249FC-BARIS, REUBEN]
Sent: 9/11/2018 12:43:50 PM
To: Peck, Charles [Peck.Charles@epa.gov]
Subject: pH response
Attachments: Dicamba Regulatory Options Table 9.10.18 500pm RPK.docx

Hey Chuck,

Please look at Rick's comment on page 3. Can you help me provide a very short (detailed?) response to Bayer's assertion that the pH language and management tactics don't apply to xtendimax?

Thank you.

Reuben

REUBEN BARIS | PRODUCT MANAGER, TEAM 25 | HERBICIDE BRANCH
U.S. ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF PESTICIDE PROGRAMS | (703) 305-7356

Message

From: Baris, Reuben [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A0181E3F02A246FC915A4AF026E249FC-BARIS, REUBEN]
Sent: 8/9/2018 1:31:07 AM
To: Hathaway, Margaret [Hathaway.Margaret@epa.gov]; Schmid, Emily [Schmid.Emily@epa.gov]; Meadows, Sarah [Meadows.Sarah@epa.gov]
CC: Chism, William [Chism.Bill@epa.gov]; Becker, Jonathan [Becker.Jonathan@epa.gov]; Kaul, Monisha [Kaul.Monisha@epa.gov]; Hawkins, Caleb [Hawkins.Caleb@epa.gov]
Subject: Fwd: Update #6 on XtendiMax® with VaporGrip® Technology

Sent from my iPhone

Begin forwarded message:

From: "MARVIN, THOMAS [AG/1920]" <thomas.marvin@monsanto.com>
Date: August 8, 2018 at 8:28:05 PM EDT
To: "Keigwin, Richard" <Keigwin.Richard@epa.gov>, "Goodis, Michael" <Goodis.Michael@epa.gov>, "Baris.Reuben@epa.gov" <Baris.Reuben@epa.gov>, "Kenny.Dan@epamail.epa.gov" <Kenny.Dan@epamail.epa.gov>, "Dan Rosenblatt (rosenblatt.dan@epa.gov)" <rosenblatt.dan@epa.gov>, "Ed Messina (messina.edward@epa.gov)" <messina.edward@epa.gov>
Subject: FW: Update #6 on XtendiMax® with VaporGrip® Technology

Just an FYI on our latest report to academics.

Tom Marvin
Director, Federal Regulatory Affairs
1300 I Street, NW
Washington, DC 20005
Cell: 202-676-7846
Desk: 202-383-2851

From: _WITTEN, TY [AG/1000]
Sent: Wednesday, August 08, 2018 3:06 PM
To: _WITTEN, TY [AG/1000] <ty.witten@monsanto.com>
Subject: Update #6 on XtendiMax® with VaporGrip® Technology

Academic colleagues,

Just a slight update from the version I previously sent. Please continue sending me feedback so I can make these updates as useful as possible. Thanks.

- **Update on XtendiMax Field Trials:** We continue to partner with weed scientists this season on XtendiMax® with VaporGrip® Technology field trials, including low tunnel and large scale drift and volatility trials. Dr. Rodrigo Werle at the University of Wisconsin recently hosted a field day to discuss his team's XtendiMax research, which evaluated off-target movement via physical drift and volatility when XtendiMax was applied on roughly 8 acres of a 30-acre field. Dr. Werle's team treated Roundup Ready 2 Xtend® soybeans with a tank mixture of XtendiMax, Roundup PowerMAX® and Intact™. The treated area was surrounded by non-dicamba tolerant soybeans, considered a sensitive crop, which for research purposes allowed for measurement of

off-target movement through plant effects. (According to the XtendiMax label, do not spray when the wind is blowing toward adjacent non-dicamba tolerant susceptible crops.)

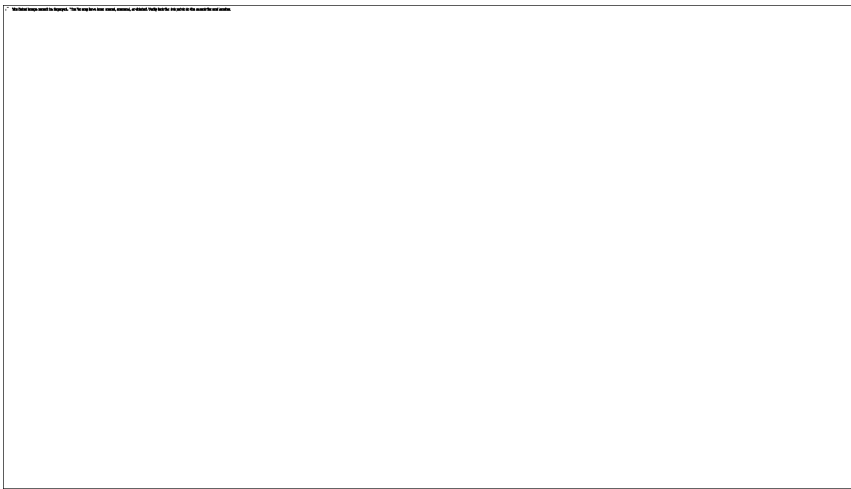
Take a look at [this video by Dr. Werle](#) for a description of the trial, and review the [trial protocol](#) for additional details. Also see the chart below for a list of similar field days hosted by some of our academic partners. If you would like to observe trials at these testing locations, please let me know.

University/Host	Location	Date
University of Nebraska/ Dr. Greg Kruger	North Platte, Nebraska	Aug. 13
University of Guelph/ Dr. Peter Sikkema	London, Ontario	Aug. 17
Purdue University/ Dr. Bryan Young	Montezuma, Indiana	Aug. 22

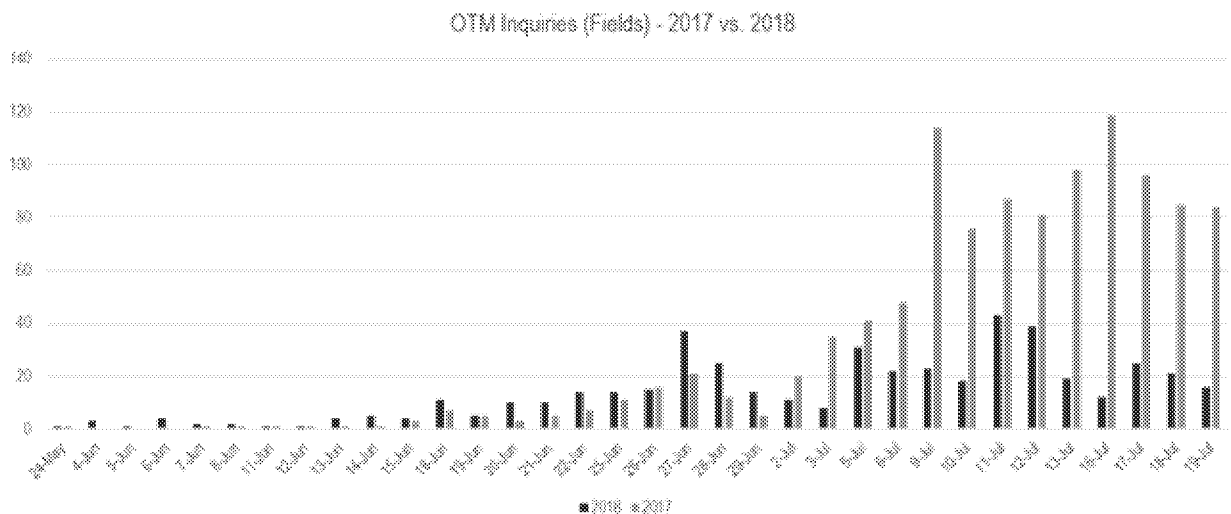
In addition to these academic trials, we are also conducting Monsanto-led trials under Good Laboratory Practices (GLP). We've recently completed a large-scale drift and volatility trial with an application of XtendiMax® Herbicide with VaporGrip® Technology plus Roundup PowerMAX® and an approved DRA in North Dakota (under a date cutoff exemption from the state). We are also gathering results on trials in Minnesota, Nebraska, Missouri, Arizona and other states. We'll share those results with you as they become available.

- **Developmental Testing:** Also, we are testing pipeline and future dicamba formulations in various locations across the U.S. Some of these trials are being conducted in cooperation with academics.
- **Dicamba Inquiries¹:** According to the latest USDA crop progress report (as of August 5), 92% of the soybean crop was blooming, and 67% of the crop is in excellent or good condition (compared to 60% at this time last year). While some applications remain in double crop soybeans and cotton, applications across most of the country are complete, and our grower customers, custom applicators and retailers are reporting success, with on-target applications over broad acreage and outstanding weed control.

The charts below outline a year-over-year comparison of off-target movement inquiries as of July 19, 2017 and July 19, 2018. This year we've received 53% fewer off-target movement inquiries from applicators and non-applicators compared to this same time last year – 468 in 2018 compared to 1,002 in 2017. That's roughly 9 inquiries per million acres of Xtend soybeans and cotton planted in 2018 (>50M acres total) compared to 40 inquiries per million acres of Xtend soybeans and cotton planted in 2017 (>25M acres total). While we've seen a few timeframes where inquiries have risen and then decreased, overall off-target movement inquiries this season remain far fewer than last season.



Xtend acres based on Aug. 6, 2018 data



As we've walked fields for 450 of the 468 off-target movement inquiries received from both applicators and non-applicators, we've been able to draw some conclusions (based on follow-up on inquiries made on or before July 19).

- The label enhancements and the training conducted in 2018 have had notable success in helping applicators reduce off-target movement. And overall, the incidences of non-compliance with the XtendiMax label were small—and substantially fewer than in 2017. For example, only **eight** applicators inadvertently mixed AMS in the tank in 2018—a dramatic improvement from 2017.
- System hygiene/contamination improved dramatically this year as a result of the increased training and the label enhancements. It was the cause of symptomology in approximately 5 percent of reported incidents this season. For example, a large retailer in Illinois estimated they custom applied dicamba on over 175,000 Xtend soybean acres in 2018 and had no tank contamination, compared to tank contamination being the most common reason they received inquiries in 2017.
- Other herbicides remain a factor. A detailed review of the symptomology demonstrated, from non-applicator fields, that in 13 percent of cases this season, dicamba could not have been the cause of the alleged incident. For example, in some cases the symptomology was consistent with 2,4-D exposure.
- We've also seen label non-compliance continue to be a factor. Of the 163 completed evaluations for applicator off-target movement

inquiries (as of July 19), the following are the top label requirements for which non-compliance was determined.

Application Requirements (Applicator Reported)	Label Non-Compliance (%)*
Awareness of Nearby Sensitive Crops	66%
Use of Required Buffer	49%
Approved Tank Mix	28%

*Based on 163 applicator evaluations completed as of July 19

Overall these findings tell us that education and training work, and for the 2019 season we have the opportunity for additional training on application requirements like increased awareness of nearby sensitive crops (a critical requirement for any pesticide application). We also have a chance for discussions around the impacts that applications of other dicamba formulations or Group 4 herbicides on corn, small grain, pasture or other fields can have on non-dicamba tolerant soybean fields. Those impacts are particularly evident in seasons like this one that saw weather push back application timing, meaning there was a greater chance that corn and soybean fields may have been receiving post-emergence applications in similar timeframes.

As we move into the final months of the season we continue to ask growers who believe there's symptomology on a field to contact us as quickly as possible at 1-844-RRXTEND. We also invite you to contact us if we can be of assistance, or you have any comments or topics you'd like to discuss.

¹Inquiries are defined as the number of fields for which calls are received to 1-844-RRXTEND from applicators or non-applicators. The inquiry figures are not necessarily equal to the number of calls received since a single call could include one or multiple fields. It is also possible that a field could be counted twice if we receive a call from an applicator and a non-applicator about the same field. Please let me know if you have any questions.

Off-Target Movement Inquiries as of July 19

Inquiries from applicators and non-applicators about potential off-target movement	468
Number of off-target movement inquiries from applicators and non-applicators visited as of July 19	450
Number of off-target movement inquiries where upwind symptomology was observed when XtendiMax was applied*	8**
Number of states from which off-target movement inquiries received	20

*As observed from XtendiMax applicators and supported by applicator reported and/or Climate weather data of wind direction at the time of application

**No uniform or field-level symptomology was observed. All observed symptomology was adjacent to application field and exhibited pattern and/or gradient

As of July 19, we've also received 590 inquiries about weed performance² and 2 inquiries about crop response.

- **AAPCO Data:** The Association of American Pesticide Control Officials (AAPCO) released its latest state Departments of Agriculture inquiry report this week. You can view AAPCO's latest report [here](#).

²These inquiries have involved factors like: application on weeds that aren't controlled by the dicamba mode of action; application that occurred too late, once a weed was larger than 4" or in a flowering stage;

and application at an incorrect rate. We are following the conditions of the registration process for these weed performance inquiries.

As always, don't hesitate to reach out to me with any questions about these inquiry details or other topics.

Thanks,
Ty

Dr. Ty Witten
North America Crop Protection Lead
Monsanto Technology Development & Agronomy
800 North Lindbergh Blvd.
St. Louis, MO 63167
Ph#: (314) 694-6528

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Message

From: Baris, Reuben [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A0181E3F02A246FC915A4AF026E249FC-BARIS, REUBEN]
Sent: 7/27/2018 3:05:05 PM
To: Keigwin, Richard [Keigwin.Richard@epa.gov]
Subject: EPA emails show agency approved Monsanto herbicide label changes after consulting with company - Investigate MidwestInvestigate Midwest

While the headline is not surprising and a misleading slant, the quote from my email is out of context.

<http://investigatemidwest.org/2018/07/25/lawsuit-epa-unlawfully-approved-monsantos-herbicide/>

EPA emails show agency approved Monsanto herbicide label changes after consulting with company

By Johnathan Hettinger/Midwest Center for Investigative Reporting July 25, 2018

Agribusiness



Darrell Hoemann/Midwest Center for Investigative Reporting

A Monsanto facility in Stonington, Ill., on May 19, 2015.

As the U.S. Environmental Protection Agency prepared to make label changes for the herbicide dicamba after it caused widespread crop damage, the agency depended on the herbicide's maker for guidance, documents produced in a federal lawsuit show.

A review of more than 800 pages of documents from a lawsuit filed against the U.S. EPA in January 2017 highlight the process behind how the agency made the label changes.

The lawsuit was filed by the Center for Food Safety, the Center for Biological Diversity, the National Family Farm Coalition and the Pesticide Action Network North America in the U.S. Court of Appeals for the 9th Circuit.

 <a
href="https://assets.documentcloud.org/documents/4617973/17-70196-Opening-
Brief.pdf">17 70196 Opening Brief (PDF)<p>
<p><a
href="https://assets.documentcloud.org/documents/4617973/17-70196-Opening-
Brief.txt">17 70196 Opening Brief (Text)

The lawsuit alleges the agency unlawfully approved a version of dicamba made by Monsanto. It spent a year in discovery before plaintiffs' filed a brief in February outlining their argument. Oral arguments are scheduled August 29 in Seattle, Washington.

"Like I said, no surprises," wrote Reuben Baris, acting chief of the Herbicide Branch of the EPA's Office of Pesticide Programs, to Thomas Marvin, a Monsanto lawyer, hours before the new label was announced, according to an email dated October 10 obtained in the lawsuit.

The email came during a week of exchanges between the EPA and agribusiness Monsanto in 2017 about the terms and conditions that Monsanto would have to agree to for the label change.

Monsanto is an intervenor in the case, meaning it joined the case to help defend the registration.

"The EPA approved XtendiMax herbicide after a long and careful review process, including years of analysis and a thorough evaluation of data regarding volatility," said Charla Lord, a spokeswoman from Monsanto, in an emailed statement. "This lawsuit is nothing more than an attempt by NGOs to take a valuable tool out of the hands of American farmers. We will stand with farmers who need this technology to control weeds and ensure that they have the training and support for an even more successful 2018 season."

Dicamba is a traditional herbicide that has been used on corn and other crops, and the EPA approved its use for genetically modified soybeans and cotton crops in late 2016.

Monsanto had touted the new dicamba-resistant soybean and cotton seeds as its biggest biotech launch in company history. The company also made its own version of dicamba, touted to be less volatile.

But in 2017, the herbicide damaged more than 3.6 million acres of soybeans and other crops in 25 states, according to expert estimates. Dozens of farmers have sued Monsanto over the damage and loss in crop revenue.

In October, the EPA restricted the use of dicamba, making it a restricted use pesticide and limiting the conditions under which it could be applied.

But while making the changes, the EPA ignored state officials' recommendations, did not use any new data or analysis to back up its new restrictions and allowed the herbicide's maker to dictate the label's terms and conditions, according to documents filed in the suit.

This year, despite the new changes, more than one million acres of soybeans are estimated to have been damaged by dicamba as of July 15, according to Kevin Bradley, a University of Missouri weed scientist.



Darrell Hoemann/Midwest Center for Investigative Reporting

A pesticide applicator sprays soybeans in rural McLean County in Illinois on July 26.

Monsanto: Process 'long and careful'

In June, pharmaceutical giant Bayer bought Monsanto for more than \$60 billion. The transition is expected to take two months, after which Bayer will drop Monsanto's name. Until then, Monsanto continues to operate as an independent company, according to a company news release.

In response to comment for this story, Monsanto spokeswoman Lord pointed out the benefits that farmers got from dicamba, saying that 97 percent of customers were satisfied and had a 5.7 bushel per acre advantage over other soybeans in its field trials.

Lord also said, "We expect the acres of dicamba-tolerant soybean and corn to double this year to nearly 50 million acres, and early reports from the field are encouraging."

BASF, which makes another version of the herbicide, is not a party to the case but its version of dicamba is covered under a "me-too" approval, meaning that the pesticide is similar or identical in its uses or formulations.

In a response filed in April, the agency said it followed all regular procedures in approving the new registration of the herbicide, as well in changes to the label following widespread damage.

“Facing uncertainty as to what caused the incidents and limited regulatory authority, EPA took a quick but protective approach by working with the registrant to strengthen the label instructions for the 2018 growing season,” the agency wrote in its April response. “The added restrictions could only have the effect of limiting the potential for off-site movement and unreasonable adverse effects on the environment.”

The EPA said the label change process was “the most environmentally responsible and protective approach that could be implemented in time for the 2018 growing season.

“EPA’s approval of the 2017 Amended Label was a careful but swift response to complaints about off-field movement,” the agency wrote in its response.

Additionally, Monsanto, which has the lead registration with the EPA and created the new seeds, continued to influence changes to the label, even after the herbicide led to a record number of pesticide misuse complaints in 2017, documents show.

Documents from the lawsuit include email communications between government officials and Monsanto officials, news reports, scientific studies and draft documents of proposed registration.

In one exchange, Monsanto stated what changes it found acceptable, and even attached a word document, crossing out sections it did not agree to.

“We accepted a number of the proposed changes, but did not incorporate all the iterative communications with retailers proposed in the last draft. In particular, we are concerned that those iterative communications might require a potentially significant period of time to complete,” wrote Philip Perry, a lawyer for Monsanto, to the EPA, in an October 10 email.

In its April response, the EPA said that Monsanto’s changes were the best approach to take before the new growing season.

“After entering into discussions with the registrant, EPA accepted Monsanto’s voluntary label change to further minimize the potential for off-field movement.”

Lawsuit: EPA did not follow FIFRA, Endangered Species Act

In November 2016, the EPA approved Monsanto’s version of dicamba for a two-year trial period.

The lawsuit alleges the EPA did not follow the Federal Insecticide, Fungicide and Rodenticide Act, which regulates pesticides in the United States, by applying the wrong legal standard, failing to analyze the “significant socioeconomic and agronomic costs to farmers” of drift and relied on “legally inadequate data.”

The February brief also alleges that the EPA violated the Endangered Species Act by overstepping its bounds and approving the herbicide without letting the wildlife agencies determine whether dicamba would have an impact on species protected by the act.

The pesticide law requires companies to conduct research about pesticides in order to save taxpayers money, though the company paying for the research also raises questions about the validity of the research, said George Kimbrell, a lawyer for the Center for Food Safety.

Additionally, the EPA did not incorporate “any new data or analysis” in changing the label, instead relying on the data from November 2016, despite a year of the pesticide being used in the field, according to the February brief.

The EPA responded that it found that dicamba “would not generally cause unreasonable adverse effects, which was more than sufficient to meet FIFRA’s conditional registration.”

“The conditions on this registration enabled EPA to strike an optimal balance—based on the information available in 2016—between making promising new pesticide uses available and minimizing the likelihood of unreasonable adverse effects on the environment,” the agency wrote. “Accordingly, EPA’s cost-benefit balancing was reasonable and supported by substantial evidence.”

Multiple meetings

Between August and September 2017, EPA officials met with Monsanto four times, according to the lawsuit.

On an August 23 call with state officials, the EPA said it was discussing label changes for dicamba with Monsanto, BASF and DuPont, which has a registration for a branded version of Monsanto’s dicamba.

EPA officials said the agency was considering changing wind speed and tractor speed, limiting the timing of application, requiring more training and classifying the product as restricted use, which requires applicators to be registered and more keep records about application.

During the call, state officials warned the EPA that the proposed label changes only addressed physical drift and not volatility, which caused many of the issues, according to meeting notes.

Jason Norsworthy, a weed scientist at the University of Arkansas, said “there’s nothing we can do for a volatile product as far as label changes,” notes show.

“Acreage is going to be much higher in 2018, and these solutions won’t address that,” he said.

Several other officials then said that a cutoff date to limit when the herbicide could be sprayed could be effective, although soybean planting dates in the South are much earlier than in farther north areas.

Monsanto opposed the cutoff date, according to its comments to multiple news agencies.

In October 2017, the EPA imposed restrictions on the herbicide for 2018, although officials did not implement a cutoff date. However, Arkansas imposed a cutoff date of April 15 for the spraying of dicamba. Additionally, several other states imposed restrictions on top of the EPA’s label changes.

The EPA also wrote that it considered the benefits of dicamba to farmers.

“Further, Petitioners unreasonably downplay the benefits of these new uses. Herbicides like Xtendimax are an important element of modern agriculture, and EPA recognized that Xtendimax could offer advantages over other registered pesticides, particularly the ability to apply it throughout the growing season to combat new flushes of weeds,” the EPA wrote.

Sent from my iPhone

Message

From: Baris, Reuben [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A0181E3F02A246FC915A4AF026E249FC-BARIS, REUBEN]
Sent: 7/27/2018 2:07:55 PM
To: Hawkins, Caleb [Hawkins.Caleb@epa.gov]
CC: Chism, William [Chism.Bill@epa.gov]; Kaul, Monisha [Kaul.Monisha@epa.gov]; Meadows, Sarah [Meadows.Sarah@epa.gov]
Subject: Re: USDA Yield Data--2016 vs 2017

Yes. Monsanto's claims to record yields are countered by USDA's report that yields were down. Rick's statement.

Sent from my iPhone

On Jul 27, 2018, at 7:55 AM, Hawkins, Caleb <Hawkins.Caleb@epa.gov> wrote:

Hey Reuben –

To which press release are you referring? Are you referring to yield reports released by USDA?

Thanks,

Caleb

From: Baris, Reuben
Sent: Thursday, July 26, 2018 3:39 PM
To: Chism, William <Chism.Bill@epa.gov>; Hawkins, Caleb <Hawkins.Caleb@epa.gov>; Kaul, Monisha <Kaul.Monisha@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>
Subject: Fwd: USDA Yield Data--2016 vs 2017

I can't see it this too well on my phone. Can you all take a look at this and compare with the press release from USDA (referenced by Rick)?

Sent from my iPhone

Begin forwarded message:

From: "MARVIN, THOMAS [AG/1920]" <thomas.marvin@monsanto.com>
Date: July 26, 2018 at 2:34:10 PM CDT
To: "Keigwin, Richard" <Keigwin.Richard@epa.gov>, "Goodis, Michael" <Goodis.Michael@epa.gov>, "Kenny.Dan@epamail.epa.gov" <Kenny.Dan@epamail.epa.gov>, "Baris, Reuben" <Baris.Reuben@epa.gov>
Subject: USDA Yield Data--2016 vs 2017

All-

Please find attached a courtesy copy of a report we submitted today through the e-portal to provide additional support for the registration of M1768 Herbicide (Xtendimax® with VaporGrip® Technology), EPA Reg. 524-617. The report analyzes USDA production and yield data from 2017 and 2016.

Tom

Tom Marvin
Director, Federal Regulatory Affairs
1300 I Street, NW
Washington, DC 20005
Cell: 202-676-7846
Desk: 202-383-2851

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Message

From: Baris, Reuben [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A0181E3F02A246FC915A4AF026E249FC-BARIS, REUBEN]
Sent: 7/27/2018 2:46:54 AM
To: Montague, Kathryn V. [Montague.Kathryn@epa.gov]
Subject: Re: 42750-GGE

You really don't have to look hard to find a cupped leaf...

Sent from my iPhone

On Jul 26, 2018, at 2:59 PM, Montague, Kathryn V. <Montague.Kathryn@epa.gov> wrote:

Enjoy your trip...bet it's hot down there! Bring back some cupped leaves!

From: Baris, Reuben
Sent: Thursday, July 26, 2018 3:54 PM
To: Montague, Kathryn V. <Montague.Kathryn@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; Rowland, Grant <Rowland.Grant@epa.gov>
Subject: Re: 42750-GGE

Thanks Kay.

Sent from my iPhone

On Jul 26, 2018, at 2:19 PM, Montague, Kathryn V. <Montague.Kathryn@epa.gov> wrote:

OK, I'll reach out to Albaugh about the new date and get the paperwork going, since Grant won't be back until almost the due date.

From: Kenny, Daniel
Sent: Thursday, July 26, 2018 12:03 PM
To: Montague, Kathryn V. <Montague.Kathryn@epa.gov>
Cc: Rowland, Grant <Rowland.Grant@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>
Subject: Re: 42750-GGE

I think **Ex. 5 Deliberative Process (DP)**

Sent from my iPhone

On Jul 26, 2018, at 9:51 AM, Montague, Kathryn V. <Montague.Kathryn@epa.gov> wrote:

<image001.gif>

This is a PRIA due next week (8/3)...Albaugh's "mirror" of Xtendimax. I assume **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP) ? Or do we have another rationale/option?

Thanks,
Kay

Kathryn V. Montague
Product Manager 23
Herbicide Branch
Registration Division
Office of Pesticide Programs
(703)305-1243

Message

From: Baris, Reuben [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A0181E3F02A246FC915A4AF026E249FC-BARIS, REUBEN]
Sent: 8/10/2018 2:20:40 AM
To: Schmid, Emily [Schmid.Emily@epa.gov]; Meadows, Sarah [Meadows.Sarah@epa.gov]; Hathaway, Margaret [Hathaway.Margaret@epa.gov]; Kenny, Daniel [Kenny.Dan@epa.gov]; Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]; Davis, Donna [Davis.Donna@epa.gov]
Subject: EPA Listens to Dicamba Discussion

<https://www.dtnpf.com/agriculture/web/ag/news/crops/article/2018/08/09/epa-listens-dicamba-discussion>

EPA Listens to Dicamba Discussion

Pam Smith 8/9/2018 | 10:49 AM CDT



The issue of dicamba has become a sensitive topic with many voices adding to the discussion. (DTN photo by Pamela Smith)

LINCOLN, Neb. (DTN) -- Proof that dicamba remains a complex and emotional topic was evident at a recent public meeting with the Environmental Protection Agency (EPA).

Last week, EPA officials and a handful of other agency representatives traveled to farm country to gather views on whether the three low-volatility dicamba formulations available for use with Xtend crops should be re-registered.

The conversation, attended by DTN, represented a cross-section of voices. Vocal were farmers who insist the technology is needed to control resistant weed populations, industry and those that have experienced injury in sensitive crops, trees and nursery settings.

The deadline to make a decision regarding Engenia, XtendiMax and FeXapan herbicides looms for the agency. Dicamba is a 60-year-old herbicide with a known ability to volatilize and move beyond its spray target. Although the three products in question were reformulated to be lower in volatility, the EPA initially issued conditional labels, which expire in November and December, depending on the product.

"We made the registration decision and set it up so it had two-year time-limited registration so that we could evaluate it and see what additional changes to the registration are needed," said Mike Goodis, U.S. EPA director of the registration division.

Goodis confirmed that the agency plans to make a decision in August on the registrations, which DTN has previously reported. "We have been pretty open that we really want to make some type of decision this month on whether to continue, and if so, how the product would still be used," he said.

"It is an extremely difficult decision. I can tell you that the senior management in the EPA all the way up to the administrator -- now acting administrator -- will be involved in the decision making," he added.

The Weed Science Society of America (WSSA) has facilitated similar crop tours in past years. University of Nebraska weed scientist Greg Kruger, WSSA's current liaison to EPA, organized the public forum. "The session was really meant for the EPA to listen to the concerns and comments from the industry as it relates to herbicides," Kruger said. Officials spent most of the week in Nebraska and also toured some Iowa farms. Several of the group had spent part of the previous week in Arkansas and Tennessee.

While the floor was open to all herbicide discussions, dicamba dominated the Nebraska conversation. Off-target movement of dicamba in 2017 caused EPA to tighten labeled application requirements for the three dicamba products approved for in-season use. The

agency also made the three herbicides restricted use pesticides (RUP) and training became a mandatory requirement for every applicator.

Sent from my iPhone

Message

From: Baris, Reuben [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A0181E3F02A246FC915A4AF026E249FC-BARIS, REUBEN]
Sent: 8/10/2018 2:20:18 AM
To: Keigwin, Richard [Keigwin.Richard@epa.gov]; Messina, Edward [Messina.Edward@epa.gov]
Subject: Dtn article: EPA Listens to Dicamba Discussion

Fyi

<https://www.dtnpf.com/agriculture/web/ag/news/crops/article/2018/08/09/epa-listens-dicamba-discussion>

EPA Listens to Dicamba Discussion

Pam Smith 8/9/2018 | 10:49 AM CDT



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Sent from my iPhone

Message

From: Baris, Reuben [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A0181E3F02A246FC915A4AF026E249FC-BARIS, REUBEN]
Sent: 8/10/2018 1:15:52 AM
To: Schmid, Emily [Schmid.Emily@epa.gov]; Meadows, Sarah [Meadows.Sarah@epa.gov]; Hathaway, Margaret [Hathaway.Margaret@epa.gov]
Subject: Fwd: Update #6 on XtendiMax® with VaporGrip® Technology

Sent from my iPhone

Begin forwarded message:

From: "Cofer, Tony" <Tony.Cofer@agi.alabama.gov>
Date: August 9, 2018 at 5:20:37 PM EDT
To: "Baris, Reuben (Baris.Reuben@epa.gov)" <Baris.Reuben@epa.gov>
Subject: FW: Update #6 on XtendiMax® with VaporGrip® Technology

From: SCHMIDT, THOMAS MARK [AG/1005] [mailto:thomas.mark.schmidt@monsanto.com]
Sent: Wednesday, August 08, 2018 2:15 PM
To: SCHMIDT, THOMAS MARK [AG/1005] <thomas.mark.schmidt@monsanto.com>
Subject: Update #6 on XtendiMax® with VaporGrip® Technology

Below is the latest update sent to Academics this week.

Regards,

Tom

Thomas M. Schmidt
Monsanto Company
US States Regulatory Affairs Lead
700 Chesterfield Parkway West
Mail Zone: FF4B
Chesterfield, MO 63017
Office: (636) 737-9564
Fax: (636) 737-5390
E-mail: thomas.mark.schmidt@monsanto.com
Alt: registration.state@monsanto.com

Academic colleagues,

Below are a few new updates. Please continue sending me feedback so I can make these updates as useful as possible. Thanks.

- **Update on XtendiMax Field Trials:** We continue to partner with weed scientists this season on XtendiMax® with VaporGrip® Technology field trials, including low tunnel and large scale drift and volatility trials. Dr. Rodrigo Werle at the University of Wisconsin recently hosted a field day to discuss his team's XtendiMax research, which evaluated off-target movement via physical drift and volatility when XtendiMax was applied on roughly 8 acres of a 30-acre field. Dr. Werle's team treated Roundup Ready 2 Xtend® soybeans with a tank mixture of XtendiMax, Roundup PowerMAX® and Intact™. The treated area was surrounded by non-dicamba tolerant soybeans, considered a sensitive crop, which for research purposes allowed for measurement of off-target movement through plant effects. (According to the XtendiMax label, do not spray when the wind is blowing toward adjacent non-dicamba tolerant susceptible crops.)

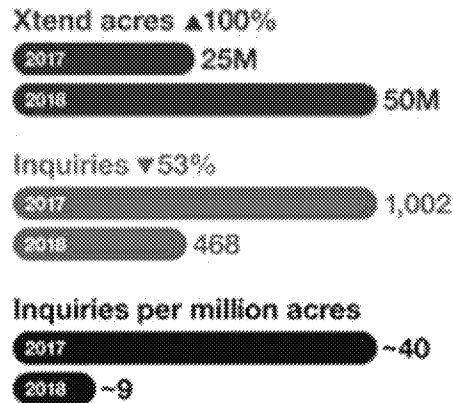
Take a look at [this video by Dr. Werle](#) for a description of the trial, and review the [trial protocol](#) for additional details. Also see the chart below for a list of similar field days hosted by some of our academic partners. If you would like to observe trials at these testing locations, please let me know.

University/Host	Location	Date
University of Nebraska/ Dr. Greg Kruger	North Platte, Nebraska	Aug. 13
University of Guelph/ Dr. Peter Sikkema	London, Ontario	Aug. 17
Purdue University/ Dr. Bryan Young	Montezuma, Indiana	Aug. 22

In addition to these academic trials, we are also conducting Monsanto-led trials under Good Laboratory Practices (GLP). We've recently completed a large-scale drift and volatility trial with an application of XtendiMax® Herbicide with VaporGrip® Technology plus Roundup PowerMAX® and an approved DRA in North Dakota (under a date cutoff exemption from the state). We are also gathering results on trials in Minnesota, Nebraska, Missouri, Arizona and other states. We'll share those results with you as they become available.

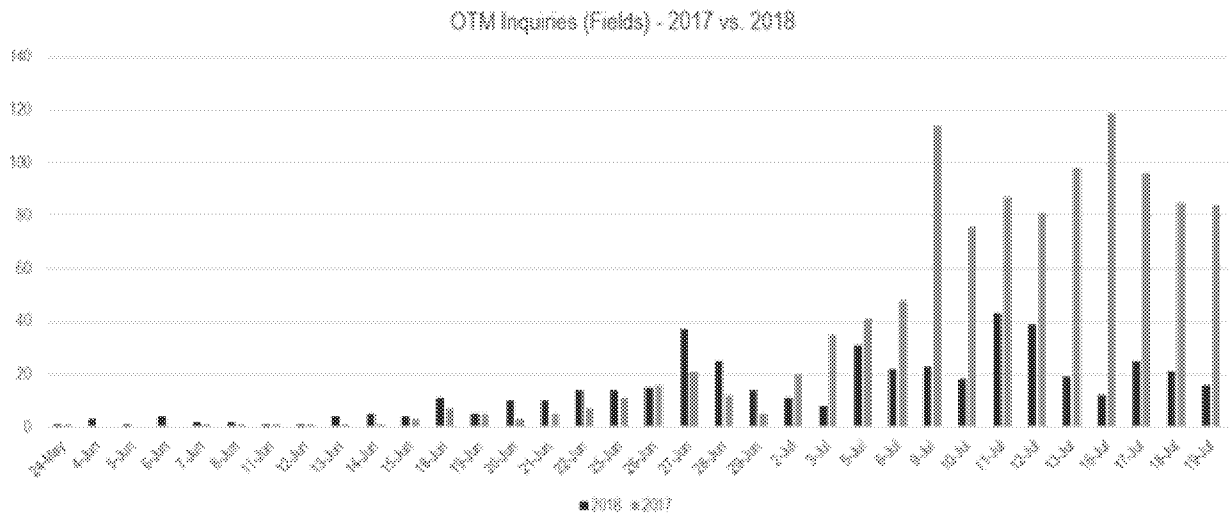
- **Developmental Testing:** Also, we are testing pipeline and future dicamba formulations in various locations across the U.S. Some of these trials are being conducted in cooperation with academics.
- **Dicamba Inquiries¹:** According to the latest USDA crop progress report (as of August 5), 92% of the soybean crop was blooming, and 67% of the crop is in excellent or good condition (compared to 60% at this time last year). While some applications remain in double crop soybeans and cotton, applications across most of the country are complete, and our grower customers, custom applicators and retailers are reporting success, with on-target applications over broad acreage and outstanding weed control.

The charts below outline a year-over-year comparison of off-target movement inquiries as of July 19, 2017 and July 19, 2018. This year we've received 53% fewer off-target movement inquiries from applicators and non-applicators compared to this same time last year – 468 in 2018 compared to 1,002 in 2017. That's roughly 9 inquiries per million acres of Xtend soybeans and cotton planted in 2018 (>50M acres total) compared to 40 inquiries per million acres of Xtend soybeans and cotton planted in 2017 (>25M acres total). While we've seen a few timeframes where inquiries have risen and then decreased, overall off-target movement inquiries this season remain far fewer than last season.



As of July 19, 2018

Xtend acres based on Aug. 6, 2018 data



As we've walked fields for 450 of the 468 off-target movement inquiries received from both applicators and non-applicators, we've been able to draw some conclusions (based on follow-up on inquiries made on or before July 19).

- The label enhancements and the training conducted in 2018 have had notable success in helping applicators reduce off-target movement. And overall, the incidences of non-compliance with the XtendiMax label were small—and substantially fewer than in 2017. For example, only **eight** applicators inadvertently mixed AMS in the tank in 2018—a dramatic improvement from 2017.
- System hygiene/contamination improved dramatically this year as a result of the increased training and the label enhancements. It was the cause of symptomology in approximately 5 percent of reported incidents this season. For example, a large retailer in Illinois estimated they custom applied dicamba on over 175,000 Xtend soybean acres in 2018 and had no tank contamination, compared to tank contamination being the most common reason they received inquiries in 2017.
- Other herbicides remain a factor. A detailed review of the symptomology demonstrated, from non-applicator fields, that in 13 percent of cases this season, dicamba could not have been the cause of the alleged incident. For example, in some cases the symptomology was consistent with 2,4-D exposure.
- We've also seen label non-compliance continue to be a factor. Of the 163 completed evaluations for applicator off-target movement

inquiries (as of July 19), the following are the top label requirements for which non-compliance was determined.

Application Requirements (Applicator Reported)	Label Non-Compliance (%)*
Awareness of Nearby Sensitive Crops	66%
Use of Required Buffer	49%
Approved Tank Mix	28%

*Based on 163 applicator evaluations completed as of July 19

Overall these findings tell us that education and training work, and for the 2019 season we have the opportunity for additional training on application requirements like increased awareness of nearby sensitive crops (a critical requirement for any pesticide application). We also have a chance for discussions around the impacts that applications of other dicamba formulations or Group 4 herbicides on corn, small grain, pasture or other fields can have on non-dicamba tolerant soybean fields. Those impacts are particularly evident in seasons like this one that saw weather push back application timing, meaning there was a greater chance that corn and soybean fields may have been receiving post-emergence applications in similar timeframes.

As we move into the final months of the season we continue to ask growers who believe there's symptomology on a field to contact us as quickly as possible at 1-844-RRXTEND. We also invite you to contact us if we can be of assistance, or you have any comments or topics you'd like to discuss.

¹Inquiries are defined as the number of fields for which calls are received to 1-844-RRXTEND from applicators or non-applicators. The inquiry figures are not necessarily equal to the number of calls received since a single call could include one or multiple fields. It is also possible that a field could be counted twice if we receive a call from an applicator and a non-applicator about the same field. Please let me know if you have any questions.

Off-Target Movement Inquiries as of July 19

Inquiries from applicators and non-applicators about potential off-target movement	468
Number of off-target movement inquiries from applicators and non-applicators visited as of July 19	450
Number of off-target movement inquiries where upwind symptomology was observed when XtendiMax was applied*	8**
Number of states from which off-target movement inquiries received	20

*As observed from XtendiMax applicators and supported by applicator reported and/or Climate weather data of wind direction at the time of application

**No uniform or field-level symptomology was observed. All observed symptomology was adjacent to application field and exhibited pattern and/or gradient

As of July 19, we've also received 590 inquiries about weed performance² and 2 inquiries about crop response.

- **AAPCO Data:** The Association of American Pesticide Control Officials (AAPCO) released its latest state Departments of Agriculture inquiry report this week. You can view AAPCO's latest report [here](#).

²These inquiries have involved factors like: application on weeds that aren't controlled by the dicamba mode of action; application that occurred too late, once a weed was larger than 4" or in a flowering stage;

and application at an incorrect rate. We are following the conditions of the registration process for these weed performance inquiries.

As always, don't hesitate to reach out to me with any questions about these inquiry details or other topics.

Thanks,
Ty

Dr. Ty Witten
North America Crop Protection Lead
Monsanto Technology Development & Agronomy

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Message

From: Baris, Reuben [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A0181E3F02A246FC915A4AF026E249FC-BARIS, REUBEN]
Sent: 8/15/2018 3:30:38 PM
To: Shannon Cavanaugh [Shannon.Cavanaugh@fmc.com]
Subject: RE: [Ext] RE: FMC Priority Products for Tank Mixing:

So exciting! Such a fun time too I'm sure! Enjoy it!

REUBEN BARIS | PRODUCT MANAGER, TEAM 25 | HERBICIDE BRANCH
U.S. ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF PESTICIDE PROGRAMS | (703) 305-7356

From: Shannon Cavanaugh [mailto:Shannon.Cavanaugh@fmc.com]
Sent: Wednesday, August 15, 2018 11:08 AM
To: Baris, Reuben <Baris.Reuben@epa.gov>
Subject: RE: [Ext] RE: FMC Priority Products for Tank Mixing:

Thank you Reuben! I'm a mom of 2 little precious girls under 2 now 😊

From: Baris, Reuben [mailto:Baris.Reuben@epa.gov]
Sent: Wednesday, August 15, 2018 11:04 AM
To: Shannon Cavanaugh <Shannon.Cavanaugh@fmc.com>
Subject: RE: [Ext] RE: FMC Priority Products for Tank Mixing:

I should also have said, welcome back!

REUBEN BARIS | PRODUCT MANAGER, TEAM 25 | HERBICIDE BRANCH
U.S. ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF PESTICIDE PROGRAMS | (703) 305-7356

From: Shannon Cavanaugh [mailto:Shannon.Cavanaugh@fmc.com]
Sent: Wednesday, August 15, 2018 10:46 AM
To: Baris, Reuben <Baris.Reuben@epa.gov>
Subject: RE: [Ext] RE: FMC Priority Products for Tank Mixing:

Thanks for the update Reuben!

Best,
Shannon

From: Baris, Reuben [mailto:Baris.Reuben@epa.gov]
Sent: Wednesday, August 15, 2018 10:25 AM
To: Shannon Cavanaugh <Shannon.Cavanaugh@fmc.com>
Cc: John Cummings <John.Cummings@fmc.com>
Subject: [Ext] RE: FMC Priority Products for Tank Mixing:

Hi Shannon,

Thanks for the follow up. We're focused on the decision at hand right now, whether the registrations are renewed for OTT uses on dicamba tolerant soybean and cotton. As you know these uses expire in November. This is taking all of our time to evaluate and work with the Administrator to formulate a decision.

Thanks.

Reuben

REUBEN BARIS | PRODUCT MANAGER, TEAM 25 | HERBICIDE BRANCH
U.S. ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF PESTICIDE PROGRAMS | (703) 305-7356

From: Shannon Cavanaugh [mailto:Shannon.Cavanaugh@fmc.com]

Sent: Wednesday, August 15, 2018 10:02 AM

To: Baris, Reuben <Baris.Reuben@epa.gov>

Cc: John Cummings <John.Cummings@fmc.com>

Subject: RE: FMC Priority Products for Tank Mixing:

Hi Reuben,

I hope this email finds you well! I am following up on the FMC tank mix submission for Xtendimax/Engenia plus the FMC products outlined below. I just wanted to make sure you have all the information you need to review these tank mixes which are critical for the 2019 season. Please let me know if you need anything else. Do you have an estimate on timing of approval?

Best regards,
Shannon

From: Shannon Cavanaugh

Sent: Tuesday, July 17, 2018 8:58 AM

To: 'Baris, Reuben' <Baris.Reuben@epa.gov>

Cc: Rowland, Grant <Rowland.Grant@epa.gov>; John Cummings <John.Cummings@fmc.com>

Subject: FMC Priority Products for Tank Mixing:

Dear Mr. Baris,

FMC Corporation is seeking the inclusion of the products listed below as tank-mix partners for the following products: Xtendimax (EPA Reg. No. 524-617) and Engenia (EPA Reg. No. 7969-345). These are FMC's priority products that will supersede any others at this time, as they are critical for the 2019 season.

Commercial Product Name Referenced in Report MRID 50626001	EPA Registered Product Name	EPA Approved Alternate Brand Names	EPA Reg. No.
Spartan Charge	F7127 SE Herbicide	Spartan Charge Spartan Charge Herbicide Zeus Prime XC	279-3337
Authority Supreme	F9314-3 Herbicide	Authority Supreme Authority Supreme Herbicide	279-3601
Spartan 4F	Spartan 4F	Bandolier 4F Spartan 4F Herbicide Zeus XC	279-3220

For Xtendimax, the required droplet spectra testing and AGDISP modeling per the protocol listed in Appendix A of the 11/9/2016 registration notice for this product have been conducted for the FMC products proposed for tank-mixing. Likewise, the testing and modeling for Engenia listed in Appendix A of the 12/20/2016 registration notice have been conducted for the FMC products.

The results of the testing submitted herein (MRID 5062601) support the addition of the FMC products listed above found not to adversely affect the spray drift properties of Engenia Herbicide and Xtendimax.

In addition, patent searches were conducted to discover if patents revealed synergistic effects when these products were used in combination with dicamba. A summary of these searches are included in this submission and disclose no direct results.

As a result, FMC requests upon Agency review and acceptance, that the registrants are immediately notified to update their tank-mix websites.

In support of this action, please find enclosed the following:

- Self-certification letter
- Tank mix data (MRID 50626001)
- Patent search information

The data package was also submitted to the Agency via CDX on 7/16/18. If you have any questions, please contact Shannon Cavanaugh at 215-299-5955 or shannon.cavanaugh@fmc.com.

Best regards,
Shannon Cavanaugh

Shannon Cavanaugh

Senior North America Product Registration Manager
FMC Corporation
(o) 215-299-5955
(c) 484-919-6982

Click [here](#) to report this email as spam.

Message

From: Baris, Reuben [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A0181E3F02A246FC915A4AF026E249FC-BARIS, REUBEN]
Sent: 7/18/2018 9:11:08 PM
To: Lantz, Tracy [Lantz.Tracy@epa.gov]; Kenny, Daniel [Kenny.Dan@epa.gov]
CC: Han, Kaythi [Han.Kaythi@epa.gov]; Bennett, Isabella [Bennett.Isabella@epa.gov]
Subject: RE: FOR REVIEW: Dicamba press inquiry; Outlet: The New Republic; REPLY by Wednesday noon

Hi Tracy,

I've updated the responses below. You'll need to tweak the first one. Unless Dan has a magical touch he can add to it. I've cc'd him here as he may not be aware of the new SOP that was implemented while he was out of the office.

Once Dan concurs/edits, it will go to Mike G, Dan R and Donna, correct? As RD concurrence?

Thanks.
Reuben

REUBEN BARIS | PRODUCT MANAGER, TEAM 25 | HERBICIDE BRANCH
U.S. ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF PESTICIDE PROGRAMS | (703) 305-7356

From: Lantz, Tracy
Sent: Wednesday, July 18, 2018 3:53 PM
To: Baris, Reuben <Baris.Reuben@epa.gov>
Cc: Han, Kaythi <Han.Kaythi@epa.gov>; Bennett, Isabella <Bennett.Isabella@epa.gov>
Subject: RE: FOR REVIEW: Dicamba press inquiry; Outlet: The New Republic; REPLY by Wednesday noon

Hi Reuben,

Just wondering if you've had a chance to look at this yet? If not, do you have an idea of when you might be able to reply? That will give us an indication of whether we should find out if the deadline can be extended.

Thanks,

Tracy Lantz

Communications Services Branch
Field and External Affairs Division
Office of Pesticide Programs
Environmental Protection Agency
Office: (703) 308-6415
Mobile: (571) 481-8523
Lantz.tracy@epa.gov

From: Lantz, Tracy
Sent: Wednesday, July 18, 2018 9:31 AM
To: Baris, Reuben <Baris.Reuben@epa.gov>
Cc: Han, Kaythi <Han.Kaythi@epa.gov>; Bennett, Isabella <Bennett.Isabella@epa.gov>
Subject: RE: FOR REVIEW: Dicamba press inquiry; Outlet: The New Republic; REPLY by Wednesday noon

That's fine and thanks for letting me know.

Tracy Lantz

Communications Services Branch
Field and External Affairs Division
Office of Pesticide Programs
Environmental Protection Agency
Office: (703) 308-6415
Mobile: (571) 481-8523
Lantz.Tracy@epa.gov

From: Baris, Reuben
Sent: Wednesday, July 18, 2018 9:29 AM
To: Lantz, Tracy <Lantz.Tracy@epa.gov>
Cc: Han, Kaythi <Han.Kaythi@epa.gov>; Bennett, Isabella <Bennett.Isabella@epa.gov>
Subject: Re: FOR REVIEW: Dicamba press inquiry; Outlet: The New Republic; REPLY by Wednesday noon

Hi Tracy,
I can help, but it's going to take some time. I have some meetings this morning but will try and get you something as soon as possible.
Reuben

Sent from my iPhone

On Jul 17, 2018, at 6:47 PM, Lantz, Tracy <Lantz.Tracy@epa.gov> wrote:

Hi Reuben,

We've got another press inquiry on dicamba. This one is due out on Thursday, so in order to make our deadline, I'm hoping you'll have a chance to respond to me by Wednesday noon.

My sources are highlighted in yellow. I need your input on the first question as I was not able to find this information either on the web or in a prior press response. The last response is taken from the press you and Dan reviewed for Isabella yesterday.

Thanks in advance!

This reporter is working on a story for *The New Republic* about dicamba. Here are his questions about the registration process for the new formulations.

Q1 When did Monsanto first submit its XtendiMax formulation for registration? A Monsanto official indicated that the process took longer than expected, and from what I understand these delays were due to extensive amounts of public comment -- is this correct?

July 15, 2014. *FEAD: add in the public process discussion and the purpose for involving the public in decision making.*

Q2 I know the EPA sent agents into southeastern Missouri in October 2016 to investigate potential acts of criminal spraying. What came of this investigation?

Response: It is EPA's policy not to comment on on-going litigation involving EPA or outside parties. (from July 2017 desk statement) Please contact the U.S. Attorney's Office for the Eastern District of Missouri. (from July WSJ 2018 press inquiry)

Q3 What is the "typical" length of a pesticide registration? How many times in the past has the EPA granted just a two-year registration?

Response: Most pesticide registrations are not time limited and continue to be available in the marketplace as long as the manufacturer is willing to submit any required data and pay the annual maintenance fee. (new, not previously approved) Time-limited registrations are not unprecedented, and registrations have been given for 2, 3, 4 and 5 years. In this case, the time-limited registration was issued in order to address concerns about the possible development of weed resistance and off-target movement. Although EPA found that herbicide resistance would be adequately addressed by the required herbicide resistance plan and did not expect off-site incidents to occur, the Agency required expiration dates to ensure that EPA would retain the ability to easily modify the registration or allow the registration to terminate if necessary. (from August 2017 Reuters press inquiry)

Q4 I have a source indicating that on an EPA-led conference call with state officials in 2017, Missouri officials said some local farmers were threatening to retaliate against their neighbors. Can someone confirm this?

Response: In 2017, and again in 2018, OPP has worked cooperatively with State Lead Agencies as regulatory partners on activities involving these registrations. EPA continues to be in close communication with state regulatory authorities through methods just as regular conference calls. The purpose of these conversations is to listen to state regulators describe what they were hearing directly from growers and affected stakeholders.

Q5 I also have a source indicating that on that conference call, the EPA indicated that industry was discouraging the agency from taking action. Can this be confirmed?

Response: The purpose of these communications is to listen to state regulators describe what they were hearing from growers.

Q6 How does the EPA respond to allegations that it failed to sufficiently consider independent testing of dicamba, and relied too extensively on Monsanto's own data?

Response: Under FIFRA, the applicant for registration is required to submit the required data to support registration. The number of studies submitted to support a registration application can be in the hundreds, as was the case with dicamba. Congress placed this obligation on the pesticide manufacturer rather than requiring others to develop and fund such data development.

We evaluate information from all kinds of sources – pesticide companies, other governments, academia, and the published scientific literature. For more on how EPA uses science as a basis for decision-making: <https://www.epa.gov/pesticide-registration/understanding-science-behind-epas-pesticide-decisions>. (from Washington Post press inquiry August 2017)

Q7 Any insights about the EPA's thoughts on the future of dicamba would be incredibly helpful. I've seen reporting that indicates the agency may make a decision as early as August -- which may affect the publication schedule of this story.

Response: **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP) (draft response to press from Emily Unglesbee, currently in review via Isabella)

Tracy Lantz

Communications Services Branch
Field and External Affairs Division
Office of Pesticide Programs
Environmental Protection Agency
Office: (703) 308-6415
Mobile: (571) 481-8523
Lantz.tracy@epa.gov

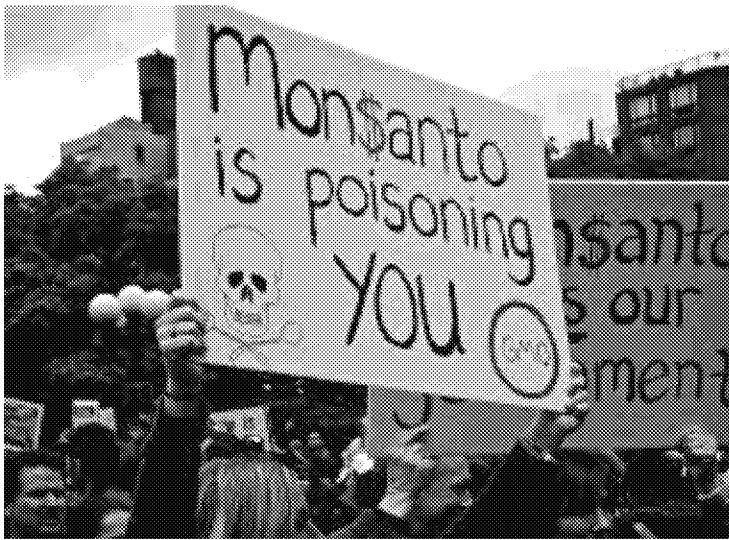
From: Baris, Reuben [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A0181E3F02A246FC915A4AF026E249FC-BARIS, REUBEN]
Sent: 8/3/2018 1:43:29 PM
To: Hathaway, Margaret [Hathaway.Margaret@epa.gov]; Schmid, Emily [Schmid.Emily@epa.gov]; Meadows, Sarah [Meadows.Sarah@epa.gov]; Kenny, Daniel [Kenny.Dan@epa.gov]
Subject: Beyond Pesticides Daily News Blog » Blog Archive Emails Show EPA Let Monsanto Write the Rules on It's Toxic, Drift-Prone Herbicide - Beyond Pesticides Daily News Blog

And so it continues...

<https://beyondpesticides.org/dailynewsblog/2018/08/emails-show-epa-let-monsanto-write-rules-toxic-drift-prone-herbicide/>

Emails Show EPA Let Monsanto Write the Rules on It's Toxic, Drift-Prone Herbicide

Post Views: 415



(*Beyond Pesticides*, August 3, 2018)

Documents made public in late July show that the U.S. Environmental Protection Agency (EPA) let Monsanto write its own rules after farmers and the public raised red flags over crop damage and contamination caused by its new line of dicamba herbicides. As part of the discovery process initiated by a lawsuit against EPA's approval of its new dicamba product, called "XtendiMax with Vapor Grip Technology," emails released (start at p. 147) show Monsanto line-editing regulations first proposed by EPA. This is only the latest in a long string of instances where EPA has worked hand in glove with the agrichemical industry it is charged with overseeing.

When the new regulations were released, Beyond Pesticides' noted broad criticism that the changes will not adequately address the damage caused by this new herbicide. The newest

product in the agrichemical industry's predictable trajectory toward increasingly toxic cropping systems, XtendiMax was developed to be sprayed on corn and soy genetically engineered to tolerate the herbicide. As its flagship Roundup Ready products have failed to control resistant weeds in farm fields throughout the U.S., Monsanto and others in the agrichemical industry continue to reach back towards older, more toxic pesticides to maintain their profits and market share.

However, shortly after its release, reports streamed into state agriculture agencies indicating that drift from the product was damaging nearby farms. In many agricultural communities, use of this product has pitted neighbor against neighbor. A National Public Radio report in October indicated that a dispute between two individuals over dicamba drift led to the murder of one Arkansas farmer. In June 2017, University of Arkansas' agricultural research station had over 100 acres of soybeans ruined from nearby dicamba use. And late last month, a Kansas farmer filed a legal complaint against Monsanto alleging that the company knew its dicamba herbicide would harm non-target crops, but marketed and sold the product anyway.

In the emails, top-level staff at EPA's Office of Pesticide Programs provided drafts of proposed terms and conditions to lawyer Phillip Perry, husband of Wyoming Congresswoman Liz Cheney, of the firm Latham and Watkins, representing Monsanto. The documents were returned by Mr. Perry with specific edits. Mr. Perry wrote, "We accepted a number of the proposed changes, but did not incorporate all the iterative communications with retailers proposed in the last draft. In particular, we are concerned that those iterative communications might require a potentially significant period of time to complete." EPA allowed Monsanto to rewrite that section on guidance to retailers.

A subsequent email announcing the final draft, sent by EPA's Reuben Baris, acting chief of EPA's Herbicide Branch, to Monsanto lawyer Thomas Marvin read, "Like I said, no surprises."

In EPA's original announcement of the new regulations, the agency quoted former Administrator Scott Pruitt as saying, "Today's actions are the result of intensive, collaborative efforts, working side by side with the states and university scientists from across the nation who have first-hand knowledge of the problem and workable solutions." However, from the documents released, it is evident that EPA's collaboration focused primarily with industry, rather than states and university scientists.

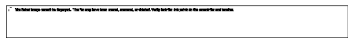
In the absence of any leadership from EPA, states have been forced to take measures to protect their agricultural economy. Restrictions are in place or being considered in a number of states, including North Dakota and Minnesota. Missouri has proposed a rule restricting dicamba and 2,4-D during the growing season, and Arkansas has implemented the toughest

restrictions on dicamba in the U.S. after a lawsuit by Monsanto failed to stop it from going forward.

While the Monsanto moniker is likely on the way out as it merges with Bayer (Bayer has indicated it will drop the name Monsanto entirely when the deal is complete), there is no doubt that the agrichemical industry will seek to maintain its cozy relationship and revolving door with EPA regulators. As industry continues to write its own rules for its toxic cropping systems, fruit and vegetable growers, and organic farmers will likewise suffer as drift and contamination increases alongside GE acres planted. Help decrease demand for GE products by purchasing organic whenever possible. Organic certification means toxic synthetic herbicides like dicamba and GE materials are never allowed within products that sport the label. By buying organic you support environmentally sustainable organic farms and an increase in organic acreage.

All unattributed positions and opinions in this piece are those of Beyond Pesticides

Source: Investigate Midwest



This entry was posted on Friday, August 3rd, 2018 at 12:00 am and is filed under Uncategorized. You can follow any responses to this entry through the RSS 2.0 feed. You can skip to the end and leave a response. Pinging is currently not allowed.

Sent from my iPhone

Message

From: Baris, Reuben [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A0181E3F02A246FC915A4AF026E249FC-BARIS, REUBEN]
Sent: 7/26/2018 7:37:20 PM
To: Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]
Subject: Fwd: USDA Yield Data--2016 vs 2017
Attachments: 2017 Soybean and Cotton Yields_ Nationwide and in Particular States_102619489_1_US-DOCS (003).pdf; ATT00001.htm

Sent from my iPhone

Begin forwarded message:

From: "MARVIN, THOMAS [AG/1920]" <thomas.marvin@monsanto.com>
Date: July 26, 2018 at 2:34:10 PM CDT
To: "Keigwin, Richard" <Keigwin.Richard@epa.gov>, "Goodis, Michael" <Goodis.Michael@epa.gov>, "Kenny.Dan@epamail.epa.gov" <Kenny.Dan@epamail.epa.gov>, "Baris, Reuben" <Baris.Reuben@epa.gov>
Subject: USDA Yield Data--2016 vs 2017

All-

Please find attached a courtesy copy of a report we submitted today through the e-portal to provide additional support for the registration of M1768 Herbicide (Xtendimax® with VaporGrip® Technology), EPA Reg. 524-617. The report analyzes USDA production and yield data from 2017 and 2016.

Tom

Tom Marvin
Director, Federal Regulatory Affairs
1300 I Street, NW
Washington, DC 20005
Cell: 202-676-7846
Desk: 202-383-2851

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Message

From: Baris, Reuben [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A0181E3F02A246FC915A4AF026E249FC-BARIS, REUBEN]
Sent: 7/17/2018 8:56:08 PM
To: Cofer, Tony [Tony.Cofer@agi.alabama.gov]
Subject: RE: Update #5 on XtendiMax® with VaporGrip® Technology

Thanks.

REUBEN BARIS | PRODUCT MANAGER, TEAM 25 | HERBICIDE BRANCH
U.S. ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF PESTICIDE PROGRAMS | (703) 305-7356

From: Cofer, Tony [mailto:Tony.Cofer@agi.alabama.gov]
Sent: Tuesday, July 17, 2018 4:52 PM
To: Baris, Reuben <Baris.Reuben@epa.gov>
Subject: Fwd: Update #5 on XtendiMax® with VaporGrip® Technology

Sent from my iPhone

Begin forwarded message:

From: "SCHMIDT, THOMAS MARK [AG/1005]" <thomas.mark.schmidt@monsanto.com>
Date: July 17, 2018 at 1:48:55 PM CDT
To: "SCHMIDT, THOMAS MARK [AG/1005]" <thomas.mark.schmidt@monsanto.com>
Subject: Update #5 on XtendiMax® with VaporGrip® Technology

Below is the latest update sent to Academics this week.

Regards,

Tom

Thomas M. Schmidt
Monsanto Company
US States Regulatory Affairs Lead
700 Chesterfield Parkway West
Mail Zone: FF4B
Chesterfield, MO 63017
Office: (636) 737-9564
Fax: (636) 737-5390
E-mail: thomas.mark.schmidt@monsanto.com
Alt: registration.state@monsanto.com

Academic colleagues,

Below are a few new updates. Please continue sending me feedback so I can make these updates as useful as possible. Thanks.

- **Dicamba Vapor Concentrations and Plant Response:** [This article](#), by my colleague Tom Orr, examines research conducted in a growth chamber under controlled environmental conditions to further assess the potential for dicamba to cause adverse effects to soybean plants from vapor-phase exposure. Our goal was to further assess the [no observed effect concentration](#) (NOEC) using a modification of a previously described closed dome (humidome) based system. This study provides increased certainty in the plant effects endpoint used in the EPA's risk assessment and further defines the relationship between dicamba air concentrations and sensitive plant response. Furthermore, this refined NOEC (138 ng/m³) provides an additional margin of safety and support for the [EPA's previous conclusion](#) that off-field air concentrations from volatility are well below the NOEC.
- **Dicamba Inquiries¹:** According to the latest USDA crop progress report (as of July 15), 65% of the soybean crop was blooming, and 69% of the crop is in excellent or good condition (compared to 61% at this time last year). With dicamba-tolerant soybeans and cotton varieties planted across 50 million acres this year, [we've continued to hear from our customers](#) as they make dicamba applications. They tell us they're experiencing [good weed control](#) and on-target applications, and they're sharing [why they need dicamba technology](#) on their operations. They've also reached out with questions around agronomics and best management practices, and we've continued to receive inquiries to 1-844-RRXTEND.

We take every inquiry seriously. As we've walked fields with growers and applicators, we've continued to remind them that regardless of the herbicide you're spraying, it's critically important to read and follow all label requirements. For low-volatility dicamba, do not spray if wind is blowing toward a susceptible crop; understand the wind and environmental conditions for each and every application; follow all of the other label requirements; and use only approved, low-volatility formulations in-crop. We continue to see some instances where symptomology appears to have resulted from off-label dicamba applications, and we're also still finding that dicamba is not always the cause of observed symptomology.

As of July 12, we've received 381 inquiries from 240 unique farmer and applicator calls about potential off-target movement. In Illinois, for example, we're hearing from a few counties in Central Illinois where we've observed some fields with uniform symptomology, though those same fields are seeing continued active growth. That symptomology appears to have resulted from adjacent fields, and in most situations, there is more than one potential Group 4 herbicide source field (corn, small grains, etc.) or area adjacent to the reported affected inquiry field. In most of these fields we continue to observe multiple factors that may be the reason for observed symptomology, and it remains critically important we walk fields and examine all possible options before drawing conclusions.

As we mentioned last week, we encourage any grower who believes there's symptomology on a field to contact us as quickly as possible at 1-844-RRXTEND. We also invite you to contact us if we can be of assistance, or you have any comments or topics you'd like to discuss.

1. Inquiries are defined as the number of fields for which calls are received to 1-844-RRXTEND from applicators or non-applicators. The inquiry figures are not necessarily equal to the number of calls received since a single call could include one or multiple fields. It is also possible that a field could be counted twice if we receive a call from an applicator and a non-applicator about the same field. Please let me know if you have any questions.

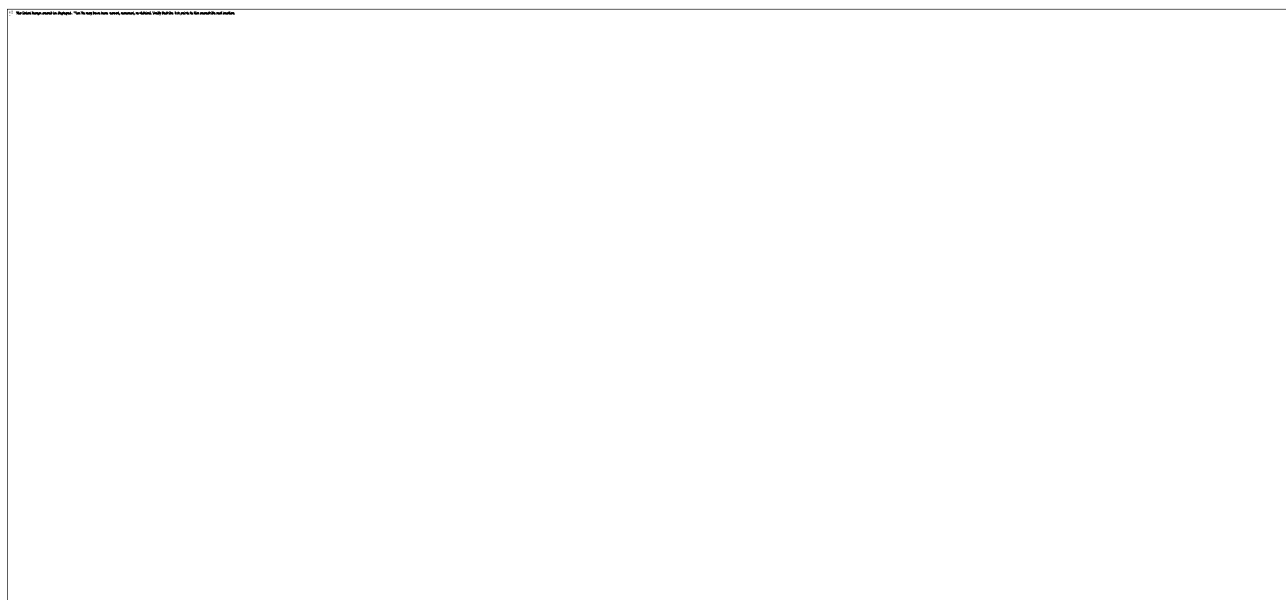
Off-Target Movement Inquiries as of July 12

Inquiries from applicators and non-applicators about potential off-target movement	381
Number of off-target movement inquiries visited as of July 12	299
Number of off-target movement inquiries where upwind symptomology was observed when XtendiMax was applied*	3**
Number of states from which off-target movement inquiries received	20

*As observed from XtendiMax applicators and supported by applicator reported and/or Climate weather data of wind direction at the time of application

**No uniform or field-level symptomology was observed. All observed symptomology was adjacent to application field and exhibited pattern and/or gradient

As of July 12, we've also received 506 inquiries about weed performance and 0 inquiries about crop response. Within inquiries around weed performance, we've received questions on a variety of weeds, including several grasses that aren't controlled by the dicamba mode of action. In visits regarding grasses, we've found applicators are lowering the rate of glyphosate. We've been reminding growers it's critically important to use full rates when applying any herbicide. We've also found weed performance inquiries involving applications that occurred too late, once a weed was larger than 4" or in a flowering stage. The chart below outlines those weeds we've received inquiries on, including waterhemp, palmer, kochia, and velvetleaf. We are following conditions of the registration process regarding weed performance inquiries.



Note: This above graph is not a complete listing of all weeds being reported by growers, but is a ranking of frequently reported species. Some of the weeds reported are not controlled by dicamba and may be attributed to other herbicides applied.

- **AAPCO Data:** The Association of American Pesticide Control Officials (AAPCO) released its latest state Departments of Agriculture inquiry report last week. You can view AAPCO's latest report [here](#).

As always, don't hesitate to reach out to me with any questions about these inquiry details or other topics.

Thanks,
Ty

Dr. Ty Witten

North America Crop Protection Lead
Monsanto Technology Development & Agronomy

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Message

From: Baris, Reuben [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A0181E3F02A246FC915A4AF026E249FC-BARIS, REUBEN]
Sent: 7/17/2018 8:55:59 PM
To: Kenny, Daniel [Kenny.Dan@epa.gov]
CC: Schmid, Emily [Schmid.Emily@epa.gov]; Hathaway, Margaret [Hathaway.Margaret@epa.gov]
Subject: FW: Update #5 on XtendiMax® with VaporGrip® Technology
Attachments: ATT00001.txt

Ex. 5 Deliberative Process (DP)

REUBEN BARIS | PRODUCT MANAGER, TEAM 25 | HERBICIDE BRANCH
U.S. ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF PESTICIDE PROGRAMS | (703) 305-7356

Begin forwarded message:

From: "SCHMIDT, THOMAS MARK [AG/1005]" <thomas.mark.schmidt@monsanto.com>
Date: July 17, 2018 at 1:48:55 PM CDT
To: "SCHMIDT, THOMAS MARK [AG/1005]" <thomas.mark.schmidt@monsanto.com>
Subject: Update #5 on XtendiMax® with VaporGrip® Technology

Below is the latest update sent to Academics this week.

Regards,

Tom

Thomas M. Schmidt
Monsanto Company
US States Regulatory Affairs Lead
700 Chesterfield Parkway West
Mail Zone: FF4B
Chesterfield, MO 63017
Office: (636) 737-9564
Fax: (636) 737-5390
E-mail: thomas.mark.schmidt@monsanto.com
Alt: registration.state@monsanto.com

Academic colleagues,

Below are a few new updates. Please continue sending me feedback so I can make these updates as useful as possible. Thanks.

- **Dicamba Vapor Concentrations and Plant Response:** [This article](#), by my colleague Tom Orr, examines research conducted in a growth chamber under controlled environmental conditions to further assess the potential for dicamba to cause adverse effects to soybean plants from vapor-phase exposure. Our goal was to further assess the [no observed effect concentration](#)

(NOEC) using a modification of a previously described closed dome (humidome) based system. This study provides increased certainty in the plant effects endpoint used in the EPA's risk assessment and further defines the relationship between dicamba air concentrations and sensitive plant response. Furthermore, this refined NOEC (138 ng/m³) provides an additional margin of safety and support for the EPA's previous conclusion that off-field air concentrations from volatility are well below the NOEC.

- **Dicamba Inquiries¹:** According to the latest USDA crop progress report (as of July 15), 65% of the soybean crop was blooming, and 69% of the crop is in excellent or good condition (compared to 61% at this time last year). With dicamba-tolerant soybeans and cotton varieties planted across 50 million acres this year, we've continued to hear from our customers as they make dicamba applications. They tell us they're experiencing good weed control and on-target applications, and they're sharing why they need dicamba technology on their operations. They've also reached out with questions around agronomics and best management practices, and we've continued to receive inquiries to 1-844-RRXTEND.

We take every inquiry seriously. As we've walked fields with growers and applicators, we've continued to remind them that regardless of the herbicide you're spraying, it's critically important to read and follow all label requirements. For low-volatility dicamba, do not spray if wind is blowing toward a susceptible crop; understand the wind and environmental conditions for each and every application; follow all of the other label requirements; and use only approved, low-volatility formulations in-crop. We continue to see some instances where symptomology appears to have resulted from off-label dicamba applications, and we're also still finding that dicamba is not always the cause of observed symptomology.

As of July 12, we've received 381 inquiries from 240 unique farmer and applicator calls about potential off-target movement. In Illinois, for example, we're hearing from a few counties in Central Illinois where we've observed some fields with uniform symptomology, though those same fields are seeing continued active growth. That symptomology appears to have resulted from adjacent fields, and in most situations, there is more than one potential Group 4 herbicide source field (corn, small grains, etc.) or area adjacent to the reported affected inquiry field. In most of these fields we continue to observe multiple factors that may be the reason for observed symptomology, and it remains critically important we walk fields and examine all possible options before drawing conclusions.

As we mentioned last week, we encourage any grower who believes there's symptomology on a field to contact us as quickly as possible at 1-844-RRXTEND. We also invite you to contact us if we can be of assistance, or you have any comments or topics you'd like to discuss.

1. Inquiries are defined as the number of fields for which calls are received to 1-844-RRXTEND from applicators or non-applicators. The inquiry figures are not necessarily equal to the number of calls received since a single call could include one or multiple fields. It is also possible that a field could be counted twice if we receive a call from an applicator and a non-applicator about the same field. Please let me know if you have any questions.

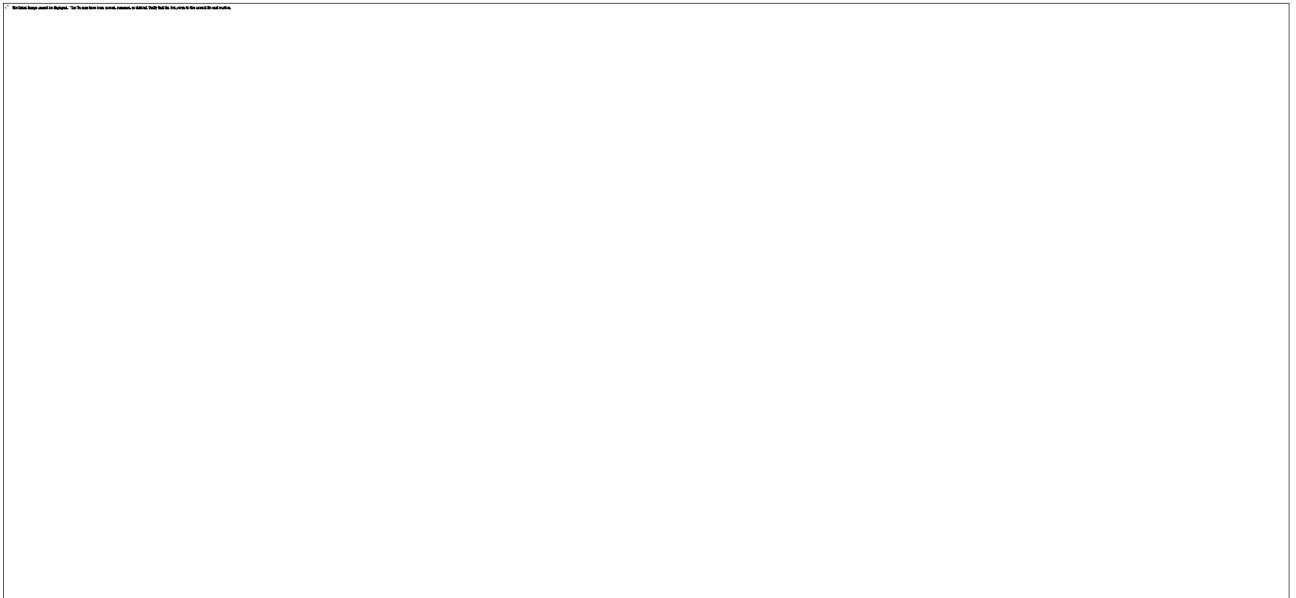
Off-Target Movement Inquiries as of July 12

Inquiries from applicators and non-applicators about potential off-target movement	381
Number of off-target movement inquiries visited as of July 12	299
Number of off-target movement inquiries where upwind symptomology was observed when XtendiMax was applied*	3**
Number of states from which off-target movement inquiries received	20

***As observed from XtendiMax applicators and supported by applicator reported and/or Climate weather data of wind direction at the time of application**

****No uniform or field-level symptomology was observed. All observed symptomology was adjacent to application field and exhibited pattern and/or gradient**

As of July 12, we've also received 506 inquiries about weed performance and 0 inquiries about crop response. Within inquiries around weed performance, we've received questions on a variety of weeds, including several grasses that aren't controlled by the dicamba mode of action. In visits regarding grasses, we've found applicators are lowering the rate of glyphosate. We've been reminding growers it's critically important to use full rates when applying any herbicide. We've also found weed performance inquiries involving applications that occurred too late, once a weed was larger than 4" or in a flowering stage. The chart below outlines those weeds we've received inquiries on, including waterhemp, palmer, kochia, and velvetleaf. We are following conditions of the registration process regarding weed performance inquiries.



Note: This above graph is not a complete listing of all weeds being reported by growers, but is a ranking of frequently reported species. Some of the weeds reported are not controlled by dicamba and may be attributed to other herbicides applied.

- **AAPCO Data:** The Association of American Pesticide Control Officials (AAPCO) released its latest state Departments of Agriculture inquiry report last week. You can view AAPCO's latest report [here](#).

As always, don't hesitate to reach out to me with any questions about these inquiry details or other topics.

Thanks,
Ty

Dr. Ty Witten
North America Crop Protection Lead
Monsanto Technology Development & Agronomy

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Sent: 11/1/2018 5:19:03 PM
To: Goodis, Michael [Goodis.Michael@epa.gov]
CC: Kenny, Daniel [Kenny.Dan@epa.gov]
Subject: 524-617
Attachments: 524-617 DRAFT reg notice 10312018.docx; LABEL 524-617_10312018.pdf

Resending. For Bayer's labels.

REUBEN BARIS | PRODUCT MANAGER, TEAM 25 | HERBICIDE BRANCH
U.S. ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF PESTICIDE PROGRAMS | (703) 305-7356

From: Baris, Reuben
Sent: Thursday, November 01, 2018 12:08 PM
To: Goodis, Michael <Goodis.Michael@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: 524-627

Mike,

Dan instructed me to send you the reg notice and label for Xtendimax (epa reg number 524-617). It's my understanding you hold the signature authority for this one.

reuben

Message

From: Baris, Reuben [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A0181E3F02A246FC915A4AF026E249FC-BARIS, REUBEN]
Sent: 6/12/2018 6:45:59 PM
To: MARVIN, THOMAS [AG/1920] [thomas.marvin@monsanto.com]
Subject: RE: XtendiMax Dialog

It's on the books.
July 17 from 2-3 pm

REUBEN BARIS | PRODUCT MANAGER, TEAM 25 | HERBICIDE BRANCH
U.S. ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF PESTICIDE PROGRAMS | (703) 305-7356

From: MARVIN, THOMAS [AG/1920] [mailto:thomas.marvin@monsanto.com]
Sent: Tuesday, June 12, 2018 11:40 AM
To: Baris, Reuben <Baris.Reuben@epa.gov>
Subject: RE: XtendiMax Dialog

Reuben: how about 7/17 from 2-3 instead of 7/16 so we can maximize odds for Rick's participation?

----- Original Message -----

Subject: RE: XtendiMax Dialog
From: "MARVIN, THOMAS [AG/1920]" <thomas.marvin@monsanto.com>
Date: Jun 11, 2018, 7:56 PM
To: "Baris, Reuben" <Baris.Reuben@epa.gov>
Thx. Checking with our folks and will be back to you by tomorrow.

----- Original Message -----

Subject: RE: XtendiMax Dialog
From: "Baris, Reuben" <Baris.Reuben@epa.gov>
Date: Jun 11, 2018, 4:57 PM
To: "MARVIN, THOMAS [AG/1920]" <thomas.marvin@monsanto.com>
Thanks for getting back to me.

We'll lose Rick at 3:30 on the 16th. If you're ok with that I will book the time. Otherwise I recommend any of the other times. I still can't guarantee his attendance, his calendar is very difficult to manage.

REUBEN BARIS | PRODUCT MANAGER, TEAM 25 | HERBICIDE BRANCH
U.S. ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF PESTICIDE PROGRAMS | (703) 305-7356

From: MARVIN, THOMAS [AG/1920] [mailto:thomas.marvin@monsanto.com]
Sent: Monday, June 11, 2018 4:33 PM
To: Baris, Reuben <Baris.Reuben@epa.gov>
Subject: RE: XtendiMax Dialog

We would like to talk about the broader topics and path forward with the broader audience. Monsanto and Bayer will operate independently for a period of time, per DOJ. Feel free to call my cell if you want details but it will remain Monsanto only until certain DOJ conditions are met.

Best date for us is Monday, July 16th, 3-4pm. But we do want to find the best time for full epa participation. Assuming Rick plans to participate, I expect Ty Vaughn (Global regulatory), John Chambers (global technology development), Tina bhakta, and myself.

Thx again.

----- Original Message -----

Subject: RE: XtendiMax Dialog

From: "Baris, Reuben" <Baris.Reuben@epa.gov>

Date: Jun 11, 2018, 2:35 PM

To: "MARVIN, THOMAS [AG/1920]" <thomas.marvin@monsanto.com>

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Grant Rowland

Emily Schmid

Me

Dan Rosenblatt (maybe)

Mike Goodis (Maybe)

Rick Keigwin (if available)

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U.S. ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF PESTICIDE PROGRAMS | (703) 305-7356

From: MARVIN, THOMAS [AG/1920] [<mailto:thomas.marvin@monsanto.com>]

Sent: Monday, June 11, 2018 2:25 PM

To: Baris, Reuben <Baris.Reuben@epa.gov>

Subject: RE: XtendiMax Dialog

Thanks Reuben; I did not realize Dan was out but do hope all is well with him. I will vet these dates and get back to you ASAP. Can you advise who you expect will attend from OPP?

Tom

Tom Marvin

Director, Federal Regulatory Affairs

1300 I Street, NW

Washington, DC 20005

Cell: 202-676-7846

Desk: 202-383-2851

From: Baris, Reuben [<mailto:Baris.Reuben@epa.gov>]

Sent: Monday, June 11, 2018 12:59 PM

To: MARVIN, THOMAS [AG/1920] <thomas.marvin@monsanto.com>

Subject: RE: XtendiMax Dialog

Hi Tom,

Dan is still out of the office and not connected to email. There's really no benefit to cc'ing him.

As for meeting times, the week of July 9 is not available on our end. Is the next week available for you (week of the 16th)? I've identified some available times below.

July 16, 3-4 pm

July 17 10-11 am

July 17, 2-3 pm

July 18, 2:30-3:30 pm

July 19, 3-4 pm

Let me know as soon as you can so we can get this on the books.

Thanks.

Reuben

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U.S. ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF PESTICIDE PROGRAMS | (703) 305-7356

From: MARVIN, THOMAS [AG/1920] [<mailto:thomas.marvin@monsanto.com>]

Sent: Monday, June 11, 2018 12:50 PM

To: Baris, Reuben <Baris.Reuben@epa.gov>

Cc: Kenny, Daniel <Kenny.Dan@epa.gov>

Subject: XtendiMax Dialog

Reuben,

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Sent: 11/1/2018 4:07:36 PM
To: Goodis, Michael [Goodis.Michael@epa.gov]
CC: Kenny, Daniel [Kenny.Dan@epa.gov]
Subject: 524-627
Attachments: 524-617 DRAFT reg notice 10312018.docx; LABEL 524-617_10312018.pdf

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Date: Jun 11, 2018, 2:35 PM
To: "MARVIN, THOMAS [AG/1920]" <thomas.marvin@monsanto.com>

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Tom Marvin
Director, Federal Regulatory Affairs
1300 I Street, NW
Washington, DC 20005
Cell: 202-676-7846
Desk: 202-383-2851

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Thanks.
Reuben

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U.S. ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF PESTICIDE PROGRAMS | (703) 305-7356

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Sent: 6/11/2018 6:35:28 PM
To: MARVIN, THOMAS [AG/1920] [thomas.marvin@monsanto.com]
Subject: RE: XtendiMax Dialog

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U.S. ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF PESTICIDE PROGRAMS | (703) 305-7356

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Sent: 6/4/2018 7:04:26 PM
To: Teter, Royan [Teter.Royan@epa.gov]
Subject: email chain with Hebert FW: Dicamba Labels

REUBEN BARIS | PRODUCT MANAGER, TEAM 25 | HERBICIDE BRANCH
U.S. ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF PESTICIDE PROGRAMS | (703) 305-7356

From: Hebert, John
Sent: Wednesday, January 10, 2018 9:16 AM
To: Baris, Reuben <Baris.Reuben@epa.gov>
Subject: RE: Dicamba Labels

Ex. 5 Deliberative Process (DP)

know, that's helpful.....?

John

From: Baris, Reuben
Sent: Wednesday, January 10, 2018 8:59 AM
To: Hebert, John <Hebert.John@epa.gov>
Subject: RE: Dicamba Labels

I'm talking with the region 6 ag departments today (commissioners and secretaries). I'm confident this will come up. Any direction I can give them from enforcement?

REUBEN BARIS | PRODUCT MANAGER, TEAM 25 | HERBICIDE BRANCH
U.S. ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF PESTICIDE PROGRAMS | (703) 305-7356

From: Hebert, John
Sent: Wednesday, January 10, 2018 8:58 AM
To: Baris, Reuben <Baris.Reuben@epa.gov>
Subject: RE: Dicamba Labels

Just confirming that you had nothing to add....thanks.

John

From: Baris, Reuben
Sent: Tuesday, January 09, 2018 7:45 PM
To: Hebert, John <Hebert.John@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: Re: Dicamba Labels

I thought we answered this.

Sent from my iPhone

On Jan 9, 2018, at 5:49 PM, Hebert, John <Hebert.John@epa.gov> wrote:

Hey Reuben – any thoughts on this? Thanks....

John

From: Hebert, John
Sent: Monday, January 08, 2018 1:49 PM
To: Baris, Reuben <Baris.Reuben@epa.gov>
Subject: FW: Dicamba Labels

Hey Reuben – So, I'm thinking Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Thanks,
John

From: Acosta, Gerardo
Sent: Monday, January 08, 2018 12:38 PM
To: Hebert, John <Hebert.John@epa.gov>; Weiler, Gregory <weiler.gregory@epa.gov>
Cc: Carroll, Craig <Carroll.Craig@epa.gov>; Lott, Don <Lott.Don@epa.gov>; Sullivan, Greg <Sullivan.Greg@epa.gov>; Nystrom, Eric <nystrom.eric@epa.gov>; Reyes, Elizabeth <Reyes.Elizabeth@epa.gov>
Subject: RE: Dicamba Labels

Hi, again, John.

Hope that you're doing well in DC and escaped the recent winter storm. As we're preparing for a meeting with the Ag Commissioners this week, this is one item in the agenda needs some clarification (anticipating questions). Could you give us some guidance or clarity on the term immediately? Thank you!

From: Hebert, John
Sent: Friday, December 29, 2017 10:35 AM
To: Acosta, Gerardo <Acosta.Gerardo@epa.gov>; Weiler, Gregory <weiler.gregory@epa.gov>
Cc: Carroll, Craig <Carroll.Craig@epa.gov>; Lott, Don <Lott.Don@epa.gov>; Sullivan, Greg <Sullivan.Greg@epa.gov>; Nystrom, Eric <nystrom.eric@epa.gov>; Reyes, Elizabeth <Reyes.Elizabeth@epa.gov>
Subject: RE: Dicamba Labels

Hi Gerardo – Your draft looks fine. Here is a list of the three products along with PPLS links that will have copies of the letters and labels:

- Xtendimax with Vapor Grip Technology (EPA Reg. No. 524-617): https://www3.epa.gov/pesticides/chem_search/ppls/000524-00617-20171012.pdf

- Engenia Herbicide (EPA Reg. No. 7969-345): https://www3.epa.gov/pesticides/chem_search/ppls/007969-00345-20171012.pdf
- DuPont FeXapan Herbicide (EPA Reg. No. 352-913): https://www3.epa.gov/pesticides/chem_search/ppls/000352-00913-20171016.pdf

Thanks for sending this to the states and let me know if you need anything else.

Happy New Year,
John

From: Acosta, Gerardo

Sent: Friday, December 29, 2017 7:53 AM

To: Hebert, John <Hebert.John@epa.gov>; Weiler, Gregory <weiler.gregory@epa.gov>

Cc: Carroll, Craig <Carroll.Craig@epa.gov>; Lott, Don <Lott.Don@epa.gov>; Sullivan, Greg <Sullivan.Greg@epa.gov>; Nystrom, Eric <nystrom.eric@epa.gov>; Reyes, Elizabeth <Reyes.Elizabeth@epa.gov>

Subject: RE: Dicamba Labels

Thanks, John, and congrats on your new assignment. Please let me know any edits to my draft response before we send this to the states.

Ex. 5 Deliberative Process (DP)

We intend to inform OPP that it looks like the stickering/labeling implementation is not happening as required and that they should communicate that to the registrants. Please let me know if you have any questions.

From: Hebert, John

Sent: Thursday, December 28, 2017 3:38 PM

To: Weiler, Gregory <weiler.gregory@epa.gov>

Cc: Acosta, Gerardo <Acosta.Gerardo@epa.gov>; Carroll, Craig <Carroll.Craig@epa.gov>; Lott, Don <Lott.Don@epa.gov>; Sullivan, Greg <Sullivan.Greg@epa.gov>

Subject: FW: Dicamba Labels

Hi Greg – Don Lott asked me to reply to your email. I’m currently the acting chief for the Pesticides and Tanks Enforcement Branch. You and I may have interacted in the past since OPP is my home office. A condition of registration for the revised dicamba labels (e.g., M1768 Herbicide, stamped October 12, 2017) was that the registrant was to immediately relabel any product currently in retail inventories and in the distribution chain with (at least) a sticker, that among other things requires the user to comply with the new labeling found on a website. There is no implementation time. It’s our understanding that Monsanto, BASF and DuPont told OPP that they would be able comply with this condition. Furthermore, the letter states that any stickering must occur in an EPA registered establishment. Also, attaching to or providing a “supplemental label” along with the product at the time of distribution is considered production because it constitutes a change to the original label and, like stickering, may only be done at registered establishments. Failure to perform those functions at an EPA registered establishment is an unlawful act under FIFRA.

Attaching “specimen” labels that presumably have not been accepted by OPP, would make that product misbranded under 12(a)(1)(E). We recommend that the state issue a stop sale to any retailer selling dicamba products that do comply with the registration conditions for the most recent label approvals or that have “specimen” labels attached to or distributed with the container. For your reference, the labeling requirements for all current inventories of “new technology” dicamba products (for Monsanto products, in this example) in the retail and distribution chain and products being manufactured, must be labeled in the following manner:

Immediately, for product currently in retail inventories, in the distribution chain (packaged and released for shipment), and product that will be manufactured before new glossy label booklets are available will be relabeled with a Sticker and a New Label.

- The Sticker will contain the following information:
 - “Restricted Use Pesticide;”
 - “Product cannot be used if user does not possess new label(ing) that can be found at www.xtendimaxapplicationrequirements.com,” and
 - “User must comply in all respects with new label(ing), regardless of any contrary language on existing label.”
- New label will be provided to accompany each stickered product as well as publication to Monsanto’s website www.xtendimaxapplicationrequirements.com.

We intend to inform OPP that it looks like the stickering/labeling implementation is not happening like it should and that they should communicate that to the registrants. Please let me know if you have any questions.

Regards,
John

John Hebert, Acting Chief

Pesticides and Tanks Enforcement Branch
Waste and Chemical Enforcement Division
Office of Civil Enforcement
Environmental Protection Agency
(202) 564-4977
hebert.john@epa.gov

From: Acosta, Gerardo
Sent: Thursday, December 21, 2017 3:06 PM
To: Weiler, Gregory <weiler.gregory@epa.gov>
Cc: Lott, Don <Lott.Don@epa.gov>; Vargo, Steve <Vargo.Steve@epa.gov>; Carroll, Craig <Carroll.Craig@epa.gov>; Reyes, Elizabeth <Reyes.Elizabeth@epa.gov>; Nystrom, Eric <nystrom.eric@epa.gov>; Hopkins, Yvette <Hopkins.Yvette@epa.gov>
Subject: RE: Dicamba Labels

Thanks, Greg.

As you note, I included Yvette Hopkins in my response, just in case she has someone from OPP that has any more information.

From: Weiler, Gregory
Sent: Thursday, December 21, 2017 1:22 PM
To: Lott, Don <Lott.Don@epa.gov>; Acosta, Gerardo <Acosta.Gerardo@epa.gov>; Vargo, Steve <Vargo.Steve@epa.gov>; Carroll, Craig <Carroll.Craig@epa.gov>
Cc: Reyes, Elizabeth <Reyes.Elizabeth@epa.gov>; Thilsted, Eugene <Thilsted.Eugene@epa.gov>; Nystrom, Eric <nystrom.eric@epa.gov>; Dale Scott <Dale.Scott@TexasAgriculture.gov>; Kevin.Haack@TexasAgriculture.gov
Subject: FW: Dicamba Labels

Don, we probably need some regional/national guidance on this from both OECA and OPP.....please assist....thanks.....

See Dale Scott's notes below from Texas.....

The University of California Statewide Integrated Pest Management Program defines IPM this way: "A process you can use to solve pest problems while minimizing risks to people and the environment. IPM can be used to manage all kinds of pests anywhere—in urban, agricultural, and wildland or natural areas."

*Greg Weiler
US EPA Region 6 Pesticides Section
1445 Ross Avenue, Dallas, Texas 75202
Phone: 214-665-7564.
Email: weiler.gregory@epa.gov*

From: Dale Scott [<mailto:Dale.Scott@TexasAgriculture.gov>]
Sent: Thursday, December 21, 2017 11:06 AM
To: Weiler, Gregory <weiler.gregory@epa.gov>

Cc: perry.cervantes@texasagriculture.gov

Subject: Dicamba Labels

Greg,

The issue has come up regarding the revised labels on the dicamba products. We have received the companies procedures for relabeling the containers and have looked at the letters for the Monsanto and BASF products. However, no firm dates were established in those letters. We are already seeing mislabeled products with specimen labels being attached to the containers and have notified the manufacturer. Historically, we would give them 18 months, but going with §40CFR, it states:

§ 152.130 Distribution under approved labeling.

(a) A registrant may distribute or sell a registered product with the composition, packaging and labeling currently approved by the Agency.

(b) A registrant may distribute or sell a product under labeling bearing any subset of the approved directions for use, provided that in limiting the uses listed on the label, no changes would be necessary in precautionary statements, use classification, or packaging of the product.

(c) Normally, if the product labeling is amended on the initiative of the registrant, by submission of an application for amended registration, the registrant may distribute or sell under the previously approved labeling for a period of 18 months after approval of the revision, unless an order subsequently issued by the Agency under FIFRA sec. 6 or 13 provides otherwise. However, if paragraph (d) of this section applies to the registrant's product, the time frames established by the Agency in accordance with that paragraph shall take precedence.

(d) If a product's labeling is required to be revised as a result of the issuance of a Registration Standard, a Label Improvement Program notice, or a notice concluding a special review process, the Agency will specify in the notice to the registrant the period of time that previously approved labeling may be used. In all cases, supplemental or sticker labeling may be used as an interim compliance measure for a reasonable period of time.

The Agency may establish dates as follows governing when label changes must appear on labels:

(1) The Agency may establish a date after which all product distributed or sold by the registrant must bear revised labeling.

(2) The Agency may also establish a date after which no product may be distributed or sold by any person unless it bears revised labeling. This date will provide sufficient time for product in channels of trade to be distributed or sold to users or otherwise disposed of.

Ex. 5 Deliberative Process (DP)

Thanks,

Dale R. Scott

Director for Environmental and Biosecurity Programs
Texas Department of Agriculture
P.O. Box 12847
Austin, TX 78711
(512) 936-2535 Phone
(888) 216-9860 Fax
dale.scott@TexasAgriculture.gov

Message

From: Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]
Sent: 8/29/2018 6:52:28 PM
To: Keller, Kaitlin [keller.kaitlin@epa.gov]
CC: Baptist, Erik [Baptist.Erik@epa.gov]; Beck, Nancy [Beck.Nancy@epa.gov]; Bennett, Tate [Bennett.Tate@epa.gov]; Goodis, Michael [Goodis.Michael@epa.gov]
Subject: Fwd: Dicamba - Request from the Vice President
Attachments: Dicamba 8.29.2018.docx; ATT00001.htm

Thanks. Can you Ex. 5 Deliberative Process (DP)?

Ex. 5 Deliberative Process (DP)

... I also think we need to add some specifics about what we have heard from states. I've added Erik, Nancy, Mike and Tate for their input. I'm going to be out of pocket soon driving. Thanks for doing this so quickly!
Sent from my iPhone

Begin forwarded message:

From: "Keller, Kaitlin" <keller.kaitlin@epa.gov>
Date: August 29, 2018 at 2:41:10 PM EDT
To: "Bertrand, Charlotte" <Bertrand.Charlotte@epa.gov>
Cc: "Beck, Nancy" <Beck.Nancy@epa.gov>, "Baptist, Erik" <Baptist.Erik@epa.gov>
Subject: RE: Dicamba - Request from the Vice President

Here's a first cut. Pulled background from previous materials and current status mostly from Cheryl's draft desk statement, the only new info is the updated complaints (from AAPCO's spreadsheet).

From: Bertrand, Charlotte
Sent: Wednesday, August 29, 2018 1:58 PM
To: Keller, Kaitlin <keller.kaitlin@epa.gov>
Subject: Re: Dicamba - Request from the Vice President

The person we are briefing will need to start from scratch - has no background on what Dicamba is.

Sent from my iPhone

On Aug 29, 2018, at 1:55 PM, Keller, Kaitlin <keller.kaitlin@epa.gov> wrote:

Yes--If you are okay with the desk statement Cheryl sent at 7am this morning, I will pull from that to update the language on decision-making

From: Bertrand, Charlotte
Sent: Wednesday, August 29, 2018 1:40 PM
To: Goodis, Michael <Goodis.Michael@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>
Cc: Keller, Kaitlin <keller.kaitlin@epa.gov>
Subject: Fwd: Dicamba - Request from the Vice President

Hi - looks like Ryan would like to be on call too. Can you schedule around his calendar as well. Also, Kaitlin can you have a one pager dusted off for me to look at about 4pmish?
Thanks.

Sent from my iPhone

Begin forwarded message:

From: "Jackson, Ryan" <jackson.ryan@epa.gov>
Date: August 29, 2018 at 1:29:41 PM EDT
To: "Bertrand, Charlotte" <Bertrand.Charlotte@epa.gov>
Cc: "Bennett, Tate" <Bennett.Tate@epa.gov>, "Baptist, Erik" <Baptist.Erik@epa.gov>, "Beck, Nancy" <Beck.Nancy@epa.gov>, "Bolen, Brittany" <bolen.brittany@epa.gov>
Subject: RE: Dicamba - Request from the Vice President

I can be on the call as well. Is there an update I can get on what we plan to present today?

From: Bertrand, Charlotte
Sent: Wednesday, August 29, 2018 12:39 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Bennett, Tate <Bennett.Tate@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Subject: Fwd: Dicamba - Request from the Vice President

Ryan - just wanted to make you aware of this request from the office of the VP for an update on our Dicamba registration decision. We are going to set something up for tomorrow. Tate is joining the call.
Charlotte

From: Hickey, Jonathan P. EOP/OVP
[mailto:Jonathan.P.Hickey@ovp.eop.gov]
Sent: Wednesday, August 29, 2018 9:03 AM
To: Goodis, Michael <Goodis.Michael@epa.gov>
Cc: guilaran.you-ting@epa.gov; Keigwin, Richard <Keigwin.Richard@epa.gov>; Hickey, Jonathan P. EOP/OVP <Jonathan.P.Hickey@ovp.eop.gov>
Subject: Introduction & Question

Hi Mike,

Sending you and Richard & Quilaran this note to introduce myself and see if we could schedule a call to

help us here at OVP understand an inquiry the Vice President recently recieved.

My name is Jon Hickey and I recently joined the Vice President's Domestic Policy team. Part of my portfolio is Environment. I look forward to working with you and your team!

The Vice President recently received an inquiry from a constituent concerned about Dicamba and the upcoming expiration of the Xtendimax with Vapor Grip Technology Label. Would you have time to discuss this at some point today?

Also, if there is a time when you (and/or whoever you feel appropriate from your team) would have time to meet perhaps next week just to make face-to-face introductions and perhaps to get an overview of the Pesticides Program?

Thanks!

Best regards,

Jon

Jon Hickey

Office of the Vice President

Special Advisor for Domestic Policy

(202)395-1659

Message

From: Strauss, Linda [Strauss.Linda@epa.gov]
Sent: 11/14/2018 1:56:08 PM
To: Beck, Nancy [Beck.Nancy@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Baptist, Erik [Baptist.Erik@epa.gov]; Dunton, Cheryl [Dunton.Cheryl@epa.gov]; Keller, Kaitlin [keller.kaitlin@epa.gov]
Subject: RE: Pamela Smith/DTN/The Progressive Farmer - Dicamba

Actually, it's going to be up today – When that happens, I'll send this: The document is publicly available in the docket: <https://www.regulations.gov/docket?D=EPA-HQ-OPP-2016-0187>.

From: Beck, Nancy
Sent: Tuesday, November 13, 2018 6:32 PM
To: Strauss, Linda <Strauss.Linda@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>
Subject: RE: Pamela Smith/DTN/The Progressive Farmer - Dicamba

Thanks. Is shortly a day or two?

Nancy B. Beck, Ph.D., DABT
Deputy Assistant Administrator, OCSPP
P: 202-564-1273
beck.nancy@epa.gov

From: Strauss, Linda
Sent: Tuesday, November 13, 2018 5:12 PM
To: Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>
Subject: FW: Pamela Smith/DTN/The Progressive Farmer - Dicamba

Rick told OPP: "If Bayer did not make a 10(g) claim, then let's just add it to the docket." And RD says Bayer did not make that claim. So OPP is adding the doc to the docket. Here's the new response. Whew.

Incoming:The footnoted document I am seeking is: Monsanto. 2018a. The Scientific Basis for Understanding the Off-Target Movement Potential of Xtendimax, MRID 50642701, received 3 Aug 2018. Can you provide that?

New Response: The document will be publicly available in the docket shortly:
<https://www.regulations.gov/docket?D=EPA-HQ-OPP-2016-0187>.

Ex. 5 Deliberative Process (DP)

From: Strauss, Linda
Sent: Friday, November 09, 2018 9:58 AM
To: Baptist, Erik <baptist.erik@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Dunton, Cheryl

<Dunton.Cheryl@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>

Subject: RE: Pamela Smith/DTN/The Progressive Farmer - Dicamba

Debby Sisco will ask Rick if these documents usually go in public docket.

Some background: OPP asked Don Sadowski if this one was CBI. He said it seems like it doesn't rise to the level of CBI. But our long-standing practice is to let the FOIA folks determine whether to release.

From: Baptist, Erik

Sent: Friday, November 09, 2018 9:49 AM

To: Beck, Nancy <Beck.Nancy@epa.gov>; Strauss, Linda <Strauss.Linda@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>

Subject: RE: Pamela Smith/DTN/The Progressive Farmer - Dicamba

It is part of the administrative record, as we considered it in our registration decision. I do not see how it gets excluded from the docket, or why we are not providing it to the public/press (Is there CBI? I thought the document explicitly said there was not any).

Erik Baptist

Deputy Assistant Administrator

Office of Chemical Safety and Pollution Prevention

U.S. Environmental Protection Agency

1201 Constitution Ave., NW

Washington, DC 20460

(202) 564-1689

baptist.erik@epa.gov

From: Beck, Nancy

Sent: Friday, November 9, 2018 9:47 AM

To: Strauss, Linda <Strauss.Linda@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>

Subject: RE: Pamela Smith/DTN/The Progressive Farmer - Dicamba

So the report, even though it's a reference we use, does not go in the public docket?

Nancy B. Beck, Ph.D., DABT

Deputy Assistant Administrator, OCSP

P: 202-564-1273

beck.nancy@epa.gov

From: Strauss, Linda

Sent: Friday, November 9, 2018 9:33 AM

To: Beck, Nancy <Beck.Nancy@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>

Subject: FW: Pamela Smith/DTN/The Progressive Farmer - Dicamba

Nancy, OPP thought about your questions here and revised the response. Also, with the revised approach we are not setting the precedent of providing documents (in support of registration) that are not already public (e.g., in the docket) without going through FOIA - It is the FOIA team's job to decide what should be released, not ours.

>> On Nov 7, 2018, at 6:11 PM, Beck, Nancy
<Beck.Nancy@epa.gov<<mailto:Beck.Nancy@epa.gov>>> wrote:
>> Do we have the document?
>> Do we know if it contains CBI?

New Response: We suggest you contact Monsanto and request a copy of their report. To obtain this information from the EPA, you would need to file a request under the Freedom of Information Act (FOIA). For more information or to make a FOIA request, see:
<https://www.epa.gov/foia>.

>> Response:

Ex. 5 Deliberative Process (DP)

>> From: Daguillard, Robert
>> Sent: Wednesday, November 07, 2018 2:09 PM
>> To: Strauss, Linda
>> <Strauss.Linda@epa.gov<<mailto:Strauss.Linda@epa.gov>>>; Dunton, Cheryl
>> <Dunton.Cheryl@epa.gov<<mailto:Dunton.Cheryl@epa.gov>>>; Courtnage,
>> Robert <Courtnage.Robert@EPA.GOV<<mailto:Courtnage.Robert@EPA.GOV>>>;
>> Sisco, Debby <Sisco.Debby@epa.gov<<mailto:Sisco.Debby@epa.gov>>>; Han,
>> Kaythi <Han.Kaythi@epa.gov<<mailto:Han.Kaythi@epa.gov>>>; Dinkins,
>> Darlene <Dinkins.Darlene@epa.gov<<mailto:Dinkins.Darlene@epa.gov>>>
>> Subject: OPP: Press Inquiry from Pamela Smith/DTN/The Progressive
>> Farmer - Dicamba
>>
>> DTN
>> PAMELA SMITH
>> DDL 11/8
>>
>> Good afternoon team,
>>
>> Thanks for letting me know about next steps.
>>
>> +++++
>> Robert— I'm writing regarding an online support document for EPA's
>> recent dicamba decision included in: Over-the-Top Dicamba Products
>> for Genetically Modified Cotton and Soybeans—Benefits and Impacts.

>> Linked from this page:
>> <https://www.epa.gov/ingredients-used-pesticide-products/registration-dicamba-use-dicamba-tolerant-crops>
>> d
>> icamba-use-dicamba-tolerant-crops
>>
>> The footnoted document I am seeking is: Monsanto. 2018a. The Scientific Basis for Understanding the Off-Target Movement Potential of Xtendimax, MRID 50642701, received 3 Aug 2018.
>>
>> Can you provide that?
>>
>> Thank you so much.
>>
>> Pam Smith
>>
>>
>>
>>
>>
>>
>> Pamela Smith
>> DTN/The Progressive Farmer
>> Crops Technology Editor
>> 2530 S. Forest Crest Road
>> Decatur, Ill. 62521
>> 217/423-1006 (direct)
>> 217/670-9139 (mobile)
>> Pamela.smith@dtm.com
>>
>>
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>> <image2018-11-08-100607.pdf>

Message

From: Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]
Sent: 8/29/2018 5:40:44 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
CC: Bennett, Tate [Bennett.Tate@epa.gov]; Baptist, Erik [Baptist.Erik@epa.gov]; Beck, Nancy [Beck.Nancy@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]
Subject: Re: Dicamba - Request from the Vice President

We are updating some of our one pagers. Can have you something at end of the day.

Sent from my iPhone

On Aug 29, 2018, at 1:29 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

I can be on the call as well. Is there an update I can get on what we plan to present today?

From: Bertrand, Charlotte
Sent: Wednesday, August 29, 2018 12:39 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Bennett, Tate <Bennett.Tate@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Subject: Fwd: Dicamba - Request from the Vice President

Ryan - just wanted to make you aware of this request from the office of the VP for an update on our Dicamba registration decision. We are going to set something up for tomorrow. Tate is joining the call.
Charlotte

From: Hickey, Jonathan P. EOP/OVP [mailto:Jonathan.P.Hickey@ovp.eop.gov]
Sent: Wednesday, August 29, 2018 9:03 AM
To: Goodis, Michael <Goodis.Michael@epa.gov>
Cc: guilaran.you-ting@epa.gov; Keigwin, Richard <Keigwin.Richard@epa.gov>; Hickey, Jonathan P. EOP/OVP <Jonathan.P.Hickey@ovp.eop.gov>
Subject: Introduction & Question

Hi Mike,

Sending you and Richard & Quilaran this note to introduce myself and see if we could schedule a call to help us here at OVP understand an inquiry the Vice President recently recieved.

My name is Jon Hickey and I recently joined the Vice President's Domestic Policy team. Part of my portfolio is Environment. I look forward to working with you and your team!

The Vice President recently received an inquiry from a constituent concerned about Disinfectant and the upcoming expiration of the Xtendimax with Vapor Grip Technology Label. Would you have time to discuss this at some point today?

Also, if there is a time when you (and/or whoever you feel appropriate from your team) would have time to meet perhaps next week just to make face-to-face introductions and perhaps to get an overview of the Pesticides Program?

Thanks!

Best regards,

Jon

Jon Hickey

Office of the Vice President

Special Advisor for Domestic Policy

(202)395-1659

Message

From: Baptist, Erik [Baptist.Erik@epa.gov]
Sent: 11/13/2018 11:31:11 PM
To: Strauss, Linda [Strauss.Linda@epa.gov]
CC: Beck, Nancy [Beck.Nancy@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Dunton, Cheryl [Dunton.Cheryl@epa.gov]; Keller, Kaitlin [keller.kaitlin@epa.gov]
Subject: Re: Pamela Smith/DTN/The Progressive Farmer - Dicamba

Thanks!

Sent from my iPhone

On Nov 13, 2018, at 5:12 PM, Strauss, Linda <Strauss.Linda@epa.gov> wrote:

Rick told OPP: "If Bayer did not make a 10(g) claim, then let's just add it to the docket." And RD says Bayer did not make that claim. So OPP is adding the doc to the docket. Here's the new response. Whew.

Incoming:The footnoted document I am seeking is: Monsanto. 2018a. The Scientific Basis for Understanding the Off-Target Movement Potential of Xtendimax, MRID 50642701, received 3 Aug 2018. Can you provide that?

New Response: The document will be publicly available in the docket shortly:
<https://www.regulations.gov/docket?D=EPA-HQ-OPP-2016-0187>.

Ex. 5 Deliberative Process (DP)

From: Strauss, Linda
Sent: Friday, November 09, 2018 9:58 AM
To: Baptist, Erik <baptist.erik@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>
Subject: RE: Pamela Smith/DTN/The Progressive Farmer - Dicamba

Debby Sisco will ask Rick if these documents usually go in public docket.

Some background: OPP asked Don Sadowski if this one was CBI. He said it seems like it doesn't rise to the level of CBI. But our long-standing practice is to let the FOIA folks determine whether to release.

From: Baptist, Erik
Sent: Friday, November 09, 2018 9:49 AM
To: Beck, Nancy <Beck.Nancy@epa.gov>; Strauss, Linda <Strauss.Linda@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>
Subject: RE: Pamela Smith/DTN/The Progressive Farmer - Dicamba

It is part of the administrative record, as we considered it in our registration decision. I do not see how it gets excluded from the docket, or why we are not providing it to the public/press (Is there CBI? I thought the document explicitly said there was not any).

Erik Baptist

Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
1201 Constitution Ave., NW
Washington, DC 20460
(202) 564-1689
baptist.erik@epa.gov

From: Beck, Nancy

Sent: Friday, November 9, 2018 9:47 AM

To: Strauss, Linda <Strauss.Linda@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>;
Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>

Subject: RE: Pamela Smith/DTN/The Progressive Farmer - Dicamba

So the report, even though it's a reference we use, does not go in the public docket?

Nancy B. Beck, Ph.D., DABT
Deputy Assistant Administrator, OCSPP
P: 202-564-1273
beck.nancy@epa.gov

From: Strauss, Linda

Sent: Friday, November 9, 2018 9:33 AM

To: Beck, Nancy <Beck.Nancy@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Dunton,
Cheryl <Dunton.Cheryl@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>

Subject: FW: Pamela Smith/DTN/The Progressive Farmer - Dicamba

Nancy, OPP thought about your questions here and revised the response. Also, with the revised approach we are not setting the precedent of providing documents (in support of registration) that are not already public (e.g., in the docket) without going through FOIA - It is the FOIA team's job to decide what should be released, not ours.

>> On Nov 7, 2018, at 6:11 PM, Beck, Nancy
<Beck.Nancy@epa.gov<<mailto:Beck.Nancy@epa.gov>>> wrote:
>> Do we have the document?
>> Do we know if it contains CBI?

New Response: We suggest you contact Monsanto and request a copy of their report. To obtain this information from the EPA, you would need to file a request under the Freedom of Information Act (FOIA). For more information or to make a FOIA request, see: <https://www.epa.gov/foia>.

>> Response:

Ex. 5 Deliberative Process (DP)

>> From: Daguillard, Robert
>> Sent: Wednesday, November 07, 2018 2:09 PM
>> To: Strauss, Linda
>> <Strauss.Linda@epa.gov<mailto:Strauss.Linda@epa.gov>>; Dunton, Cheryl
>> <Dunton.Cheryl@epa.gov<mailto:Dunton.Cheryl@epa.gov>>; Courtnage,
>> Robert
>> <Courtnage.Robert@EPA.GOV<mailto:Courtnage.Robert@EPA.GOV>>;
>> Sisco, Debby <Sisco.Debby@epa.gov<mailto:Sisco.Debby@epa.gov>>; Han,
>> Kaythi <Han.Kaythi@epa.gov<mailto:Han.Kaythi@epa.gov>>; Dinkins,
>> Darlene <Dinkins.Darlene@epa.gov<mailto:Dinkins.Darlene@epa.gov>>
>> Subject: OPP: Press Inquiry from Pamela Smith/DTN/The Progressive
>> Farmer - Dicamba
>>
>> DTN
>> PAMELA SMITH
>> DDL 11/8
>>
>> Good afternoon team,
>>
>> Thanks for letting me know about next steps.
>>
>> ++++++
>> Robert— I'm writing regarding an online support document for EPA's
>> recent dicamba decision included in: Over-the-Top Dicamba Products
>> for Genetically Modified Cotton and Soybeans—Benefits and Impacts.
>> Linked from this page:
>> [https://www.epa.gov/ingredients-used-pesticide-products/registration-](https://www.epa.gov/ingredients-used-pesticide-products/registration-dicamba-use-dicamba-tolerant-crops)
>> d
>> icamba-use-dicamba-tolerant-crops
>>
>> The footnoted document I am seeking is: Monsanto. 2018a. The Scientific
Basis for Understanding the Off-Target Movement Potential of Xtendimax, MRID
50642701, received 3 Aug 2018.
>>
>> Can you provide that?
>>

>> Thank you so much.

>>

>> Pam Smith

>>

>>

>>

>>

>>

>>

>> Pamela Smith

>> DTN/The Progressive Farmer

>> Crops Technology Editor

>> 2530 S. Forest Crest Road

>> Decatur, Ill. 62521

>> 217/423-1006 (direct)

>> 217/670-9139 (mobile)

>> Pamela.smith@dtm.com

>>

>>

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>> <image2018-11-08-100607.pdf>

Message

From: Bennett, Tate [Bennett.Tate@epa.gov]
Sent: 8/29/2018 4:57:56 PM
To: Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]
CC: Jackson, Ryan [jackson.ryan@epa.gov]; Baptist, Erik [Baptist.Erik@epa.gov]; Beck, Nancy [Beck.Nancy@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]
Subject: Re: Dicamba - Request from the Vice President

Francis at NEC has the latest status update as well. I know they work together a lot.

On Aug 29, 2018, at 12:39 PM, Bertrand, Charlotte <Bertrand.Charlotte@epa.gov> wrote:

Ryan - just wanted to make you aware of this request from the office of the VP for an update on our Dicamba registration decision. We are going to set something up for tomorrow. Tate is joining the call.
Charlotte

From: Hickey, Jonathan P. EOP/OVP [mailto:Jonathan.P.Hickey@ovp.eop.gov]
Sent: Wednesday, August 29, 2018 9:03 AM
To: Goodis, Michael <Goodis.Michael@epa.gov>
Cc: guilaran.you-ting@epa.gov; Keigwin, Richard <Keigwin.Richard@epa.gov>; Hickey, Jonathan P. EOP/OVP <Jonathan.P.Hickey@ovp.eop.gov>
Subject: Introduction & Question

Hi Mike,

Sending you and Richard & Quilaran this note to introduce myself and see if we could schedule a call to help us here at OVP understand an inquiry the Vice President recently recieved.

My name is Jon Hickey and I recently joined the Vice President's Domestic Policy team. Part of my portfolio is Environment. I look forward to working with you and your team!

The Vice President recently received an inquiry from a constituent concerned about Dicamba and the upcoming expiration of the Xtendimax with Vapor Grip Technology Label. Would you have time to discuss this at some point today?

Also, if there is a time when you (and/or whoever you feel appropriate from your team) would have time to meet perhaps next week just to make face-to-face introductions and perhaps to get an overview of the Pesticides Program?

Thanks!

Best regards,

Jon

Jon Hickey

Office of the Vice President

Special Advisor for Domestic Policy

(202)395-1659

Message

From: Strauss, Linda [Strauss.Linda@epa.gov]
Sent: 11/1/2018 8:37:45 PM
To: Beck, Nancy [Beck.Nancy@epa.gov]; Keigwin, Richard [Keigwin.Richard@epa.gov]; Baptist, Erik [Baptist.Erik@epa.gov]
CC: Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Dunton, Cheryl [Dunton.Cheryl@epa.gov]; Keller, Kaitlin [keller.kaitlin@epa.gov]
Subject: her other question -- Dicamba press inquiry - DTN/Progressive Farmer

We could

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

1. **When will we have the actual federal labels in hand to review? Are they written? Why release these bullet points instead of just releasing the actual labels?**

R1. It often takes time to get documents posted in the docket. The labels are available here: <https://www.regulations.gov/docket?D=EPA-HQ-OPP-2016-0187>, **Docket ID:** EPA-HQ-OPP-2016-0187, under Supporting Documents. We also post all approved labels to PPLS (the Pesticide Product Label System), which takes a few days. Link here: <https://iaspub.epa.gov/apex/pesticides/f?p=PPLS:1>.

From: Keigwin, Richard
Sent: Thursday, November 01, 2018 4:01 PM
To: Beck, Nancy <Beck.Nancy@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>
Cc: Strauss, Linda <Strauss.Linda@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>
Subject: RE: Urgent -- Dicamba press inquiry - DTN/Progressive Farmer

We post all approved labels to PPLS (the Pesticide Product Label System). See: <https://iaspub.epa.gov/apex/pesticides/f?p=PPLS:1>.

In the 2016 decision, we also posted copies of the approved labels to the docket, as it can take a few days to get the labels into PPLS.

From: Beck, Nancy
Sent: Thursday, November 01, 2018 4:09 PM
To: Keigwin, Richard <Keigwin.Richard@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>
Cc: Strauss, Linda <Strauss.Linda@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>
Subject: RE: Urgent -- Dicamba press inquiry - DTN/Progressive Farmer

Thanks. Linda- please let them know that sometimes it takes time to get things posted.

Nancy B. Beck, Ph.D., DABT
Deputy Assistant Administrator, OCSPP
P: 202-564-1273
beck.nancy@epa.gov

From: Keigwin, Richard
Sent: Thursday, November 1, 2018 4:01 PM
To: Beck, Nancy <Beck.Nancy@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>
Cc: Strauss, Linda <Strauss.Linda@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>
Subject: RE: Urgent -- Dicamba press inquiry - DTN/Progressive Farmer

We post all approved labels to PPLS (the Pesticide Product Label System). See:
<https://iaspub.epa.gov/apex/pesticides/f?p=PPLS:1>.

In the 2016 decision, we also posted copies of the approved labels to the docket, as it can take a few days to get the labels into PPLS.

From: Beck, Nancy
Sent: Thursday, November 01, 2018 3:54 PM
To: Baptist, Erik <Baptist.Erik@epa.gov>
Cc: Strauss, Linda <Strauss.Linda@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>
Subject: Re: Urgent -- Dicamba press inquiry - DTN/Progressive Farmer

Looping in Rick

Nancy B. Beck, Ph.D., DABT
Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
P: [202-564-1273](tel:202-564-1273)
beck.nancy@epa.gov

On Nov 1, 2018, at 3:53 PM, Baptist, Erik <Baptist.Erik@epa.gov> wrote:

I think we need Rick to weigh in (Bob urged it too). I would point them to the decision document and not say anything about the announcement getting ahead of the documents. Moreover, I was under the pressure that we do not usually post the labels.

Erik Baptist
Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
1201 Constitution Ave., NW
Washington, DC 20460
(202) 564-1689
baptist.erik@epa.gov

From: Beck, Nancy
Sent: Thursday, November 1, 2018 3:51 PM
To: Strauss, Linda <Strauss.Linda@epa.gov>
Cc: Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>
Subject: Re: Urgent -- Dicamba press inquiry - DTN/Progressive Farmer

Can we also point them to the decision document which is posted?

When she says she will print the opposite what does that mean?

In the 2nd response please delete the Yes in the beginning.

Erik should also review.

What can we do to not constantly get jammed by press deadlines?

Nancy B. Beck, Ph.D., DABT
Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
P: [202-564-1273](tel:202-564-1273)
beck.nancy@epa.gov

On Nov 1, 2018, at 3:45 PM, Strauss, Linda <Strauss.Linda@epa.gov> wrote:

If reporter doesn't get the answer to Q #2 by 4:00 she says she'll print the opposite....Bob P just said OK on this. (more Bob details below).

OK to go now?

Incoming:
Reporter: Emily Unglesbee
Outlet: DTN

1. **When will we have the actual federal labels in hand to review? Are they written? Why release these bullet points instead of just releasing the actual labels?**

R1. EPA released a description of the dicamba label changes ahead of the labels being available to better keep the public and stakeholders informed. The labels will be available shortly and will be accessible through the Pesticide Product and Label System (PPLS).

2. **Is it legal for states to use 24 (c) of FIFRA to restrict pesticides beyond the federal label? I know EPA has interpreted this as legal in the past (<https://www.epa.gov/pesticide-registration/guidance-fifra-24c-registrations>), but the actual FIFRA language only mentions "additional uses" to federal pesticide labels, not restrictions. DTN has heard reports that EPA warned states this summer that using 24 (c) of FIFRA to make more restrictive additions to federal labels could open them (the states) up to litigation.**

Are those reports true? Will EPA be discouraging states from creating more restrictive 24 (c) labels on the dicamba herbicides?

R2. Yes, EPA recognizes and supports the important authority given to states under FIFRA section 24(c) to issue special local needs registrations. If a state wishes to modify the over-the-top labels for dicamba in order to better meet their state's circumstances, EPA will work with them to support their goals.

No, we are not aware of any EPA representative warning states that the use of FIFRA 24 (c) could open them up to litigation.

Bob Perlis
Pesticides and Toxic Substances Law Office
Office of General Counsel **From:** Perlis, Robert
Sent: Thursday, November 1, 2018 11:26 AM
To: Chiu, Enid <Chiu.Enid@epa.gov>
Subject: RE: LINDA/OPP: DTN/Progressive Farmer - Dicamba labels

Enid:

I gave Rick a heads-up on the 24c question -- he should definitely see any response before it goes out. My diplomatic answer would be:

Ex. 5 Attorney Client (AC)

Let me know if you have any questions.

Bob

US EPA
(202) 564-5636

Message

From: Strauss, Linda [Strauss.Linda@epa.gov]
Sent: 7/20/2018 10:43:01 PM
To: Beck, Nancy [Beck.Nancy@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Baptist, Erik [Baptist.Erik@epa.gov]; Keller, Kaitlin [keller.kaitlin@epa.gov]; Dunton, Cheryl [Dunton.Cheryl@epa.gov]
Subject: RE: due today - FW: FOR REVIEW: Dicamba press inquiry; Outlet: The New Republic; REPLY by FRIDAY 11:00 am

Thanks!

From: Beck, Nancy
Sent: Friday, July 20, 2018 5:52 PM
To: Strauss, Linda <Strauss.Linda@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>
Subject: RE: due today - FW: FOR REVIEW: Dicamba press inquiry; Outlet: The New Republic; REPLY by FRIDAY 11:00 am

Thanks. These seem straightforward and clear.

Nancy B. Beck, Ph.D., DABT
Deputy Assistant Administrator, OCSPP
P: 202-564-1273
M: 202-731-9910
beck.nancy@epa.gov

From: Strauss, Linda
Sent: Friday, July 20, 2018 5:01 PM
To: Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>
Subject: due today - FW: FOR REVIEW: Dicamba press inquiry; Outlet: The New Republic; REPLY by FRIDAY 11:00 am
Importance: High

Rick OK'ed.

Q1 When did Monsanto first submit its XtendiMax formulation for registration? A Monsanto official indicated that the process took longer than expected, and from what I understand these delays were due to extensive amounts of public comment -- is this correct?

Response: Monsanto submitted its applications for XtendiMax on April 28, 2010 (Soybeans) and July 30, 2012 (Cotton). The review was extensive because EPA needed to identify what risks required mitigation, conduct an endangered species assessment, and review a resistance management stewardship program. In addition, significant time was required to review the large number of comments -- over 26,000. For more information on how stakeholders participate see the [Public Participation Process for Registration Actions](#).

Q2 I know the EPA sent agents into southeastern Missouri in October 2016 to investigate potential acts of criminal spraying. What came of this investigation?

Response: It is EPA's policy not to comment on on-going litigation involving EPA or outside parties. Please contact the U.S. Attorney's Office for the Eastern District of Missouri.

Q3 What is the "typical" length of a pesticide registration? How many times in the past has the EPA granted just a two-year registration?

Response: While most pesticide registrations are not time limited, other registrations have been given for discrete time periods. In this case, the time-limited registration was issued in order to address concerns about the possible development of weed resistance and off-target movement. The Agency required expiration dates to ensure that EPA would retain the ability to easily modify the registration or allow the registration to terminate if necessary.

Q4 I have a source indicating that on an EPA-led conference call with state officials in 2017, Missouri officials said some local farmers were threatening to retaliate against their neighbors. Can someone confirm this?

Response: In 2017, and again in 2018, OPP worked cooperatively with State Lead Agencies as regulatory partners on activities involving these registrations. EPA continues to be in close communication with state regulatory authorities through regular conference calls. The purpose of these conversations is to listen to state regulators describe what they are hearing from farmers and affected stakeholders.

Q5 I also have a source indicating that on that conference call, the EPA indicated that industry was discouraging the agency from taking action. Can this be confirmed?

Response: The purpose of these communications is to listen to state regulators describe what they are hearing from farmers.

Q6 How does the EPA respond to allegations that it failed to sufficiently consider independent testing of dicamba, and relied too extensively on Monsanto's own data?

Response: Under FIFRA, the applicant for registration is required to submit the required data to support registration. The number of studies submitted to support a registration application can be in the hundreds, as was the case with dicamba. Congress placed this obligation on the pesticide manufacturer rather than requiring others to develop and fund such data development.

We also evaluate information from *many sources* – pesticide companies, other governments, academia, and the published scientific literature. For more on how EPA uses science as a basis for decision-making: <https://www.epa.gov/pesticide-registration/understanding-science-behind-epas-pesticide-decisions>.

Q7 Any insights about the EPA's thoughts on the future of dicamba would be incredibly helpful. I've seen reporting that indicates the agency may make a decision as early as August -- which may affect the publication schedule of this story.

Response: EPA will consider all available information in its decision-making process. We continue to work closely with our regulatory partners in the affected states and registrants to better understand the issues. We are reviewing the current use restrictions on the labels for dicamba formulations in light of the incidents that have been reported this year. Our goal is to make a regulatory decision in time to for growers to make informed seed purchase decisions for the next planting season.

THE NEW REPUBLIC
BOYCE UPHOLT
DDL 7/20

Good afternoon all,

The reporter says he'd like to hand in his final draft by the end of the week. Adding OECA and R7 for input. Seems to me we might want to refer him to the state of Missouri for at least one of the questions, but please advise. Also, please note the end-of-the-week deadline. Thanks in advance and as always,

+++++

Hey Robert,

I'm working on a story for *The New Republic* about dicamba. I've got a few questions about the registration process for the new formulations.

- When did Monsanto first submit its XtendiMax formulation for registration? A Monsanto official indicated that the process took longer than expected, and from what I understand these delays were due to extensive amounts of public comment -- is this correct?
- I know the EPA sent agents into southeastern Missouri in October 2016 to investigate potential acts of criminal spraying. What came of this investigation?
- What is the "typical" length of a pesticide registration? How many times in the past has the EPA granted just a two-year registration?
- I have a source indicating that on an EPA-led conference call with state officials in 2017, Missouri officials said some local farmers were threatening to retaliate against their neighbors. Can someone confirm this?
- I also have a source indicating that on that conference call, the EPA indicated that industry was discouraging the agency from taking action. Can this be confirmed? How does the EPA respond to allegations that it failed to sufficiently consider independent testing of dicamba, and relied too extensively on Monsanto's own data?
- Any insights about the EPA's thoughts on the future of dicamba would be incredibly helpful. I've seen reporting that indicates the agency may make a decision as early as August -- which may affect the publication schedule of this story.

Thanks. I will let you know if anything else comes up.

bu

Message

From: Strauss, Linda [Strauss.Linda@epa.gov]
Sent: 7/31/2018 5:17:32 PM
To: Beck, Nancy [Beck.Nancy@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Baptist, Erik [Baptist.Erik@epa.gov]; Dunton, Cheryl [Dunton.Cheryl@epa.gov]; Keller, Kaitlin [keller.kaitlin@epa.gov]
Subject: RE: Press inquiry on Dicamba from the Arkansas Democrat Gazette

OK, thanks. I'll send.

From: Beck, Nancy
Sent: Tuesday, July 31, 2018 1:13 PM
To: Strauss, Linda <Strauss.Linda@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>
Subject: RE: Press inquiry on Dicamba from the Arkansas Democrat Gazette

A few tweaks below. thanks.

Nancy B. Beck, Ph.D., DABT
Deputy Assistant Administrator, OCSPP
P: 202-564-1273
M: 202-731-9910
beck.nancy@epa.gov

From: Strauss, Linda
Sent: Tuesday, July 31, 2018 12:23 PM
To: Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>
Subject: Press inquiry on Dicamba from the Arkansas Democrat Gazette

Let me know if you have any edits to this one. Thanks.

Question 1: Does the EPA have an estimate when it will release its decision on re-registering dicamba (Xtendimax, etc.) for in-crop use? (I hear August is the timeline.)

Response 1: We are reviewing the current use restrictions on the labels for dicamba formulations. Our goal is to make a regulatory decision in time for growers to make informed seed purchase decisions for the next planting season.

Question 2: What is the EPA doing as it makes that decision? (Are EPA representatives visiting farmers, regulators, etc. in states currently reporting dicamba damage and fielding complaints?)

Response 2: . EPA is working closely with our regulatory partners in the affected states and the registrants to better understand concerns. EPA representatives are visiting growers in several affected states and with gathering input from

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Question 3: Is the EPA considering damage to non-ag interests (backyard gardens, decorative trees and shrubs) as it considers re-registration?

Response 3: EPA is aware of field reports of off-field and non-target crop damage related to the use of dicamba. We are actively collecting this information from states and EPA regional personnel in order to fully understand the circumstances and scope of the issues. Note that past reports include claims of damage to residential/ornamental gardens, but are mostly to non-dicamba resistant soybean. EPA has some incident reports on ~~, but also include~~ peaches, melons, tomatoes, cantaloupe, grapes, pumpkins, alfalfa, non-dicamba-resistant cotton, peanuts, peas, organic crops, and other non-target crops.

Question 4: Is the EPA demanding improvements by dicamba manufacturers to its formulations?

EPA is in the information gathering stage of its decision-making process regarding dicamba registrations. All regulatory

Ex. 5 Deliberative Process (DP)

Question 5: Under FIFRA, which requires manufacturers to report to the EPA any “adverse” incidents regarding their products, how many such reports were filed with the EPA by Monsanto, Dow and BASF regarding dicamba’s use last season? (The last time I asked about this, you cited a “fluid” situation and declined specifics. I presume last year’s problems aren’t so fluid now.)

Response 5: You would need to file a Freedom of Information Act request to obtain this information. Many documents submitted for pesticide regulatory purposes contain Confidential Business Information that by law cannot be released to the public. The FOIA process redacts CBI so the documents can be released. For more information or to make a FOIA request, see: <https://www.epa.gov/foia>.

Question 6: Arkansas banned dicamba for in-crop use after April 16 yet has received more than 150 complaints of alleged dicamba damage. Soybean damage has been estimated at 400,000 acres in Arkansas — and 500,000 acres in Illinois, and 100,000 acres in Missouri, two states that allowed in-crop use. What does that tell the EPA about dicamba’s future for in-crop use?

Response 6: EPA will consider all available information in its decision-making process. The agency is in regular contact with farmers, researchers, and agricultural companies to remain informed of any dicamba issues occurring in the 2018 growing season.

ARKANSAS DEMOCRAT-GAZETTE

STEPHEN STEED

AWAITING DDL INFO

All, sending the following inquiry now, although I’m waiting to hear the reporter’s deadline, and to get a better sense of the focus of his inquiry. Let me know if there are any questions I should ask him.

+ Regions 5, 6, 7, for awareness.

Good morning, Robert and Tricia

We've corresponded a few times over the last nine months or so regarding dicamba.

Does the EPA have an estimate when it will release its decision on re-registering dicamba (Xtendimax, etc.) for in-crop use? (I hear August is the timeline.) What is the EPA doing as it makes that decision? (Are EPA representatives visiting farmers, regulators, etc. in states currently reporting dicamba damage and fielding complaints?) Is the EPA considering damage to non-ag interests (backyard gardens, decorative trees and shrubs) as it considers re-registration?

Is the EPA demanding improvements by dicamba manufacturers to its formulations?

Under FIFRA, which requires manufacturers to report to the EPA any "adverse" incidents regarding their products, how many such reports were filed with the EPA by Monsanto, Dow and BASF regarding dicamba's use last season? (The last time I asked about this, you cited a "fluid" situation and declined specifics. I presume last year's problems aren't so fluid now.)

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Thanks much.

Stephen Steed

Arkansas Democrat-Gazette

501-399-3654

Message

From: Bennett, Tate [Bennett.Tate@epa.gov]
Sent: 10/18/2018 1:47:03 PM
To: Baptist, Erik [Baptist.Erik@epa.gov]; Beck, Nancy [Beck.Nancy@epa.gov]
Subject: FW: Of interest from BNA

From: Kunickis, Sheryl - OSEC [mailto:Sheryl.Kunickis@osec.usda.gov]
Sent: Thursday, October 18, 2018 9:39 AM
To: Beck, Nancy <Beck.Nancy@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>
Subject: Of interest from BNA

October 17, 2018

EPA Foot-Dragging on Dicamba Leaves Farmers Up in the Air (Corrected)

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-
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By Tiffany Stecker

Growers across the country are awaiting a pivotal decision from the EPA to approve or disapprove an herbicide for use next year that could again pit farmers against their neighbors.

The Environmental Protection Agency's delayed decision to re-register the herbicide has put soybean growers in a bind, unable to buy seeds for next year until the agency announces whether it will renew the registration for dicamba, a decades-old weedkiller that has been reformulated for use on genetically engineered soybeans and cotton.

Adoption of the technology last year coincided with a dramatic uptick in drift complaints, particularly among soybean farmers whose crops were damaged by their neighbors' spraying dicamba that drifted onto their fields.

The EPA's high-stakes decision has the potential to pit farmers against their neighbors and researchers against the pesticide industry. State agriculture boards often get caught in the middle.

'We Really Need to Know Something'

Two top officials in the EPA pesticides office—Director Rick Keigwin and Registration Chief Mike Goodis—told farmers and seed traders this summer that the agency planned to make a decision by August, according to trade media reports.

But two months later, farmers are still waiting.

A spokesperson in the agency's press office told Bloomberg Environment Oct. 16 that "EPA continues to receive information from stakeholders regarding the use of dicamba for over-the-top applications. EPA will use all available evidence when evaluating registrations for over-the-top use of dicamba. We expect to make a decision in the near future."

A spokeswoman for Bayer, which makes a formulation of dicamba called XtendiMax, said the current "registration expires in November 2018. EPA is in the process of evaluating a new registration for XtendiMax, and we expect EPA will complete this action shortly."

Farmers typically make planting decisions after the harvest season wraps up, which ranges from mid-September through December. Tax planning and crop price predictions also play into their decision-making for next year.

"We really need to know something," Benton Felts, who farms more than 2,000 acres of soybeans, cotton, and rice in Northeast Arkansas, told Bloomberg Environment. "We just don't know what we can do."

"The sooner the better," Jared Gregg, a seventh-generation family corn and soybean grower from Central Illinois, said.

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Soybean farmers in particular are struggling financially this year. Growers are caught in the middle of the Trump administration's trade war with China, and the prices of soybean futures have tumbled as much as 20 percent this summer.

The depressed soybean prices have farmers looking at products that will give the highest yields at a reasonable price, Bloomberg Intelligence analyst Jason Miner told Bloomberg Environment.

"Right now, we're still bargain hunting," he said.

Dicamba, a 1960s-era weedkiller, was reformulated and sold under a new label by Monsanto Co., BASF SE, and DowDuPont last year. It helps farmers fight weeds that no longer die with common herbicides such as glyphosate, better known as Monsanto's Roundup. St. Louis-based Monsanto was purchased by Bayer AG June 7.

Cutoff Dates for Dicamba

The latest dates dicamba is allowed to be used in states



Source: Association of American Pesticide Control Officials

Bloomberg Environment

The new herbicides were made to work with Monsanto's—now Bayer's—genetically engineered soybeans and cotton that aren't harmed when sprayed with dicamba. But thousands of farmers who didn't grow the GMO crops saw their soybean plants wither last summer as dicamba drifted off neighboring fields.

In 2017, about 3.6 million acres of soybean crops were allegedly damaged by drifting dicamba, according to the University of Missouri's Integrated Pest Management program. Vegetable crops, trees, and other vegetation were also harmed.

Hundreds of farmers have sued Monsanto, alleging they suffered significant crop damage when the dicamba herbicides were sold, and that the company violated antitrust laws because the dicamba drift forces farmers to buy Monsanto's dicamba-tolerant seeds.

The debate about whether dicamba should be renewed isn't limited to soybeans and cotton. A federal district judge recently allowed a peach farmer's lawsuit to move forward Oct. 5, setting a Oct. 28, 2019, trial date in *Bader Farms Inc. v. Monsanto*.

'Fixing' Dicamba

This fall, Arkansas soybean farmers are grappling with whether to plant Bayer's XtendiMax seeds next year or use BASF's LibertyLink technology, a genetically engineered seed that can withstand

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Buying LibertyLink seeds will probably lower yields, according to Felts. In 2017, he saw a 10-15 bushel-per-acre difference between the dicamba seeds and glufosinate-resistant seeds.

"That's the best bean we've ever had, that dicamba bean," Justin Blackburn, who farms 1,700 acres of soybeans, corn, and rice with his brother in eastern Arkansas.

In a bid to reduce drift problems, the EPA reached an agreement with manufacturers last year to list the herbicides—Bayer's XtendiMax, BASF's Engenia, and DowDuPont's FeXapan—as "restricted use," meaning only certified applicators with dicamba-specific training could handle the products. Manufacturers also organized their own educational and training sessions for farmers.

But the complaints persist. The most recent complete survey taken Aug. 30 found 986 dicamba drift complaints across 12 states, according to the American Association of Pesticide Control Officials, a group of state pesticide regulators.

Proponents of the dicamba technology aren't the only ones anxiously awaiting a decision.

An announcement to continue allowing spraying would mean some farmers will plant dicamba-tolerant seeds just to protect their crops from neighboring drift, Mike Kemp, a soybean farmer in Missouri's six-county Bootheel region, told Bloomberg Environment.

Kemp has already made some purchasing decisions, which include a new BASF LibertyLink seed that resists three herbicides.

But an affirmative decision on dicamba could push him toward Bayer's seeds, Kemp said.

"If they can fix dicamba to where it does not drift, it will be a wonderful product," he said. "But they don't have it fixed yet."

—With assistance from Lydia Mulvany (Bloomberg).

Request Environment & Energy Report

This electronic message contains information generated by the USDA solely for the intended recipients. Any unauthorized interception of this message or the use or disclosure of the information it contains may violate the law and subject the violator to civil or criminal penalties. If you believe you have received this message in error, please notify the sender and delete the email immediately.

From: Strauss, Linda [Strauss.Linda@epa.gov]
Sent: 7/31/2018 4:22:44 PM
To: Beck, Nancy [Beck.Nancy@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Baptist, Erik [Baptist.Erik@epa.gov]; Dunton, Cheryl [Dunton.Cheryl@epa.gov]; Keller, Kaitlin [keller.kaitlin@epa.gov]
Subject: Press inquiry on Dicamba from the Arkansas Democrat Gazette

Flag: Flag for follow up

Let me know if you have any edits to this one. Thanks.

Question 1: Does the EPA have an estimate when it will release its decision on re-registering dicamba (Xtendimax, etc.) for in-crop use? (I hear August is the timeline.)

Response 1: We are reviewing the current use restrictions on the labels for dicamba formulations. Our goal is to make a regulatory decision in time for growers to make informed seed purchase decisions for the next planting season.

Question 2: What is the EPA doing as it makes that decision? (Are EPA representatives visiting farmers, regulators, etc. in states currently reporting dicamba damage and fielding complaints?)

Response 2: . EPA is working closely with our regulatory partners in the affected states and the registrants to better understand concerns. EPA representatives are visiting growers in several affected states and with input from state and

Ex. 5 Attorney Client (AC)

Background: EPA placed a 2-year limit dicamba's registration to allow the Agency to either let it expire or to easily make the necessary changes in the registration in order to address concerns about the possible development of weed resistance and off-target movement.

Question 3: Is the EPA considering damage to non-ag interests (backyard gardens, decorative trees and shrubs) as it considers re-registration?

Response 3: EPA is aware of field reports of off-field and non-target crop damage related to the use of dicamba. We are actively collecting this information from states and EPA regional personnel in order to fully understand the circumstances and scope of the issues. Note that past reports include claims of damage to residential/ornamental gardens, but are mostly to non-dicamba resistant soybean, but also include peaches, melons, tomatoes, cantaloupe, grapes, pumpkins, alfalfa, non-dicamba-resistant cotton, peanuts, peas, organic crops, and other non-target crops.

Question 4: Is the EPA demanding improvements by dicamba manufacturers to its formulations?

EPA is in the information gathering stage of its decision-making process regarding dicamba registrations. All regulatory options are on the table, including the possibility of modifying and/or expanding the current list of use restrictions on dicamba labels.

Question 5: Under FIFRA, which requires manufacturers to report to the EPA any "adverse" incidents regarding their products, how many such reports were filed with the EPA by Monsanto, Dow and BASF regarding dicamba's use last season? (The last time I asked about this, you cited a "fluid" situation and declined specifics. I presume last year's problems aren't so fluid now.)

Response 5: You would need to file a Freedom of Information Act request to obtain this information. Many documents submitted for pesticide regulatory purposes contain Confidential Business Information that by law cannot be released to

the public. The FOIA process redacts CBI so the documents can be released. For more information or to make a FOIA request, see: <https://www.epa.gov/foia>.

Question 6: Arkansas banned dicamba for in-crop use after April 16 yet has received more than 150 complaints of alleged dicamba damage. Soybean damage has been estimated at 400,000 acres in Arkansas — and 500,000 acres in Illinois, and 100,000 acres in Missouri, two states that allowed in-crop use. What does that tell the EPA about dicamba's future for in-crop use?

Response 6: EPA will consider all available information in its decision-making process. The agency is in regular contact with farmers, researchers, and agricultural companies to remain informed of any dicamba issues occurring in the 2018 growing season.

ARKANSAS DEMOCRAT-GAZETTE

STEPHEN STEED

AWAITING DDL INFO

All, sending the following inquiry now, although I'm waiting to hear the reporter's deadline, and to get a better sense of the focus of his inquiry. Let me know if there are any questions I should ask him.

+ Regions 5, 6, 7, for awareness.

Good morning, Robert and Tricia

We've corresponded a few times over the last nine months or so regarding dicamba.

Does the EPA have an estimate when it will release its decision on re-registering dicamba (Xtendimax, etc.) for in-crop use? (I hear August is the timeline.) What is the EPA doing as it makes that decision? (Are EPA representatives visiting farmers, regulators, etc. in states currently reporting dicamba damage and fielding complaints?) Is the EPA considering damage to non-ag interests (backyard gardens, decorative trees and shrubs) as it considers re-registration?

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501-399-3654

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Subject: Of interest from BNA

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applications. EPA will use all available evidence when evaluating registrations for over-the-top use of dicamba. We expect to make a decision in the near future.”

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Request Environment & Energy Report

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law and subject the violator to civil or criminal penalties. If you believe you have received this message in error, please notify the sender and delete the email immediately.

From: Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]
Sent: 7/20/2018 9:57:29 PM
To: Strauss, Linda [Strauss.Linda@epa.gov]; Beck, Nancy [Beck.Nancy@epa.gov]; Baptist, Erik [Baptist.Erik@epa.gov]; Keller, Kaitlin [keller.kaitlin@epa.gov]; Dunton, Cheryl [Dunton.Cheryl@epa.gov]
Subject: RE: reporter says Monday is fine too - FW: FOR REVIEW: Dicamba press inquiry; Outlet: The New Republic; REPLY by FRIDAY 11:00 am

For our response to Q3 – have we said

Ex. 5 Attorney Client (AC)

Ex. 5 Deliberative Process (DP)

From: Strauss, Linda
Sent: Friday, July 20, 2018 5:03 PM
To: Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>
Subject: RE: reporter says Monday is fine too - FW: FOR REVIEW: Dicamba press inquiry; Outlet: The New Republic; REPLY by FRIDAY 11:00 am

From: Strauss, Linda
Sent: Friday, July 20, 2018 5:01 PM
To: Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>
Subject: due today - FW: FOR REVIEW: Dicamba press inquiry; Outlet: The New Republic; REPLY by FRIDAY 11:00 am
Importance: High

Rick OK'ed.

Q1 When did Monsanto first submit its XtendiMax formulation for registration? A Monsanto official indicated that the process took longer than expected, and from what I understand these delays were due to extensive amounts of public comment -- is this correct?

Response: Monsanto submitted its applications for XtendiMax on April 28, 2010 (Soybeans) and July 30, 2012 (Cotton). The review was extensive because EPA needed to identify what risks required mitigation, conduct an endangered species assessment, and review a resistance management stewardship program. In addition, significant time was required to review the large number of comments -- over 26,000. For more information on how stakeholders participate see the [Public Participation Process for Registration Actions](#).

Q2 I know the EPA sent agents into southeastern Missouri in October 2016 to investigate potential acts of criminal spraying. What came of this investigation?

Ex. 5 Deliberative Process (DP)

Q3 What is the "typical" length of a pesticide registration? How many times in the past has the EPA granted just a two-year registration?

Ex. 5 Deliberative Process (DP)

development of weed resistance and off-target movement. The Agency required expiration dates to ensure that EPA would retain the ability to easily modify the registration or allow the registration to terminate if necessary.

Q4 I have a source indicating that on an EPA-led conference call with state officials in 2017, Missouri officials said some local farmers were threatening to retaliate against their neighbors. Can someone confirm this?

Ex. 5 Deliberative Process (DP)

Q5 I also have a source indicating that on that conference call, the EPA indicated that industry was discouraging the agency from taking action. Can this be confirmed?

Response: The purpose of these communications is to listen to state regulators describe what they are hearing from farmers.

Q6 How does the EPA respond to allegations that it failed to sufficiently consider independent testing of dicamba, and relied too extensively on Monsanto's own data?

Response: Under FIFRA, the applicant for registration is required to submit the required data to support registration. The number of studies submitted to support a registration application can be in the hundreds, as was the case with dicamba. Congress placed this obligation on the pesticide manufacturer rather than requiring others to develop and fund such data development.

We also evaluate information from *many sources* – pesticide companies, other governments, academia, and the published scientific literature. For more on how EPA uses science as a basis for decision-making: <https://www.epa.gov/pesticide-registration/understanding-science-behind-epas-pesticide-decisions>.

Q7 Any insights about the EPA's thoughts on the future of dicamba would be incredibly helpful. I've seen reporting that indicates the agency may make a decision as early as August -- which may affect the publication schedule of this story.

Response: EPA will consider all available information in its decision-making process. We continue to work closely with our regulatory partners in the affected states and registrants to better understand the issues. We are reviewing the current use restrictions on the labels for dicamba formulations in light of the incidents that have been reported this year. Our goal is to make a regulatory decision in time to for growers to make informed seed purchase decisions for the next planting season.

THE NEW REPUBLIC
BOYCE UPHOLT
DDL 7/20

Good afternoon all,

The reporter says he'd like to hand in his final draft by the end of the week. Adding OECA and R7 for input. Seems to me we might want to refer him to the state of Missouri for at least one of the questions, but please advise. Also, please note the end-of-the-week deadline. Thanks in advance and as always,

+++++

Hey Robert,

I'm working on a story for *The New Republic* about dicamba. I've got a few questions about the registration process for the new formulations.

- When did Monsanto first submit its XtendiMax formulation for registration? A Monsanto official indicated that the process took longer than expected, and from what I understand these delays were due to extensive amounts of public comment -- is this correct?
- I know the EPA sent agents into southeastern Missouri in October 2016 to investigate potential acts of criminal spraying. What came of this investigation?
- What is the "typical" length of a pesticide registration? How many times in the past has the EPA granted just a two-year registration?
- I have a source indicating that on an EPA-led conference call with state officials in 2017, Missouri officials said some local farmers were threatening to retaliate against their neighbors. Can someone confirm this?
- I also have a source indicating that on that conference call, the EPA indicated that industry was discouraging the agency from taking action. Can this be confirmed? How does the EPA respond to allegations that it failed to sufficiently consider independent testing of dicamba, and relied too extensively on Monsanto's own data?
- Any insights about the EPA's thoughts on the future of dicamba would be incredibly helpful. I've seen reporting that indicates the agency may make a decision as early as August -- which may affect the publication schedule of this story.

Thanks. I will let you know if anything else comes up.

bu

Message

From: Keigwin, Richard [Keigwin.Richard@epa.gov]
Sent: 7/26/2018 3:39:17 PM
To: Strauss, Linda [Strauss.Linda@epa.gov]; Beck, Nancy [Beck.Nancy@epa.gov]; Keller, Kaitlin [keller.kaitlin@epa.gov]
CC: Baptist, Erik [Baptist.Erik@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Dunton, Cheryl [Dunton.Cheryl@epa.gov]
Subject: RE: LINDA/OPP: Arkansas Democrat-Gazette - Dicamba

Our staff are in Arkansas until tomorrow.

From: Strauss, Linda
Sent: Thursday, July 26, 2018 11:36 AM
To: Keigwin, Richard <Keigwin.Richard@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>
Cc: Baptist, Erik <Baptist.Erik@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>
Subject: RE: LINDA/OPP: Arkansas Democrat-Gazette - Dicamba

Sorry, but what did we decide about sending this? Reporter pinging. Also, seems like R6 Coms unaware. When is the meeting (yesterday or today?)

Incoming: Can you confirm this? EPA is planning an "imminent" (his words) visit to Arkansas to discuss dicamba formulation re-registration.

Response: Correct.

From: Daguillard, Robert
Sent: Thursday, July 26, 2018 11:19 AM
To: Strauss, Linda <Strauss.Linda@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Sisco, Debby <Sisco.Debby@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>
Cc: Lantz, Tracy <Lantz.Tracy@epa.gov>; Naimy, Nina <Naimy.Nina@epa.gov>
Subject: RE: LINDA/OPP: Arkansas Democrat-Gazette - Dicamba - Awaiting DDL info

Good morning everyone,

So, the reporter pinged yesterday about rumors of an upcoming EPA visit to Arkansas, something he termed "imminent." That question really tops his priority list, from the looks of it.

Diane Taheri in R6 tells me no one in her office is aware of an Dicamba-related Arkansas visit on their end. The RA is not scheduled to travel there until October.

Let me know if you want to discuss.

Cheers, R.

Robert Daguillard
Office of Media Relations
U.S. Environmental Protection Agency
Washington, DC
+1 (202) 564-6618 (O)

+1 (202) 360-0476 (M)

From: Keigwin, Richard
Sent: Monday, July 23, 2018 4:59 PM
To: Beck, Nancy <Beck.Nancy@epa.gov>
Cc: Baptist, Erik <Baptist.Erik@epa.gov>; Strauss, Linda <Strauss.Linda@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Sisco, Debby <Sisco.Debby@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>
Subject: Re: LINDA/OPP: Arkansas Democrat-Gazette - Dicamba

Yes and yes, per the email chain with Tate from last week. They know that they need to refer all press back to OPA.

Rick Keigwin
Director, Office of Pesticide Programs
U.S. Environmental Protection Agency
Phone: 703-305-7090
Website: www.epa.gov/pesticides
Sent from my iPhone

On Jul 23, 2018, at 4:56 PM, Beck, Nancy <Beck.Nancy@epa.gov> wrote:

Thanks. Are they going specifically to discuss dicamba re-registration?
Is this Rueben and Dan?
And if yes, what have they been told regarding talking to press (as soon everyone will know they are going).

Thanks.

Nancy B. Beck, Ph.D., DABT
Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
P: 202-564-1273
M: 202-731-9910
beck.nancy@epa.gov

From: Keigwin, Richard
Sent: Monday, July 23, 2018 4:24 PM
To: Baptist, Erik <Baptist.Erik@epa.gov>; Strauss, Linda <Strauss.Linda@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>
Cc: Sisco, Debby <Sisco.Debby@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>
Subject: RE: LINDA/OPP: Arkansas Democrat-Gazette - Dicamba

We have two people going to Arkansas this week.

From: Baptist, Erik
Sent: Monday, July 23, 2018 4:08 PM
To: Strauss, Linda <Strauss.Linda@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte

<Bertrand.Charlotte@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>
Cc: Sisco, Debby <Sisco.Debby@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>
Subject: RE: LINDA/OPP: Arkansas Democrat-Gazette - Dicamba

When do we plan to visit Arkansas? Is that public knowledge yet?

Erik Baptist
Senior Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460
(202) 564-1689
baptist.erik@epa.gov

From: Strauss, Linda
Sent: Monday, July 23, 2018 3:58 PM
To: Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>
Cc: Sisco, Debby <Sisco.Debby@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>
Subject: FW: LINDA/OPP: Arkansas Democrat-Gazette - Dicamba

Reporter wants answer this one asap/today; others answers can come later. Thanks, Kaitlin.

Incoming: Can you confirm this? EPA is planning an “imminent” (his words) visit to Arkansas to discuss dicamba formulation re-registration.

Response: Correct.

From: Daguiard, Robert
Sent: Monday, July 23, 2018 3:43 PM
To: Strauss, Linda <Strauss.Linda@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Sisco, Debby <Sisco.Debby@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>
Cc: Lantz, Tracy <Lantz.Tracy@epa.gov>; Naimy, Nina <Naimy.Nina@epa.gov>
Subject: RE: LINDA/OPP: Arkansas Democrat-Gazette - Dicamba - Awaiting DDL info

So, I spoke to the reporter not long ago. He hasn't written about dicamba yet this year, so he's looking for an overall update and report on 2018 regulatory steps, incident reports, etc.

Again, he's on no firm deadline, but he'll write stories based on what information he's about to confirm.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

I'll also let R6 know I talked to the reporter.

Let me know if you need any more information about the reporter's focus and interests.

Cheers, R.

Robert Daguillard
Office of Media Relations
U.S. Environmental Protection Agency
Washington, DC
+1 (202) 564-6618 (O)
+1 (202) 360-0476 (M)

From: Strauss, Linda
Sent: Monday, July 23, 2018 11:58 AM
To: Daguillard, Robert <Daguillard.Robert@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Sisco, Debby <Sisco.Debby@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>
Cc: Lantz, Tracy <Lantz.Tracy@epa.gov>; Naimy, Nina <Naimy.Nina@epa.gov>
Subject: RE: LINDA/OPP: Arkansas Democrat-Gazette - Dicamba - Awaiting DDL info

Thanks.

From: Daguillard, Robert
Sent: Monday, July 23, 2018 11:31 AM
To: Strauss, Linda <Strauss.Linda@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Sisco, Debby <Sisco.Debby@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>
Cc: Lantz, Tracy <Lantz.Tracy@epa.gov>; Naimy, Nina <Naimy.Nina@epa.gov>
Subject: RE: LINDA/OPP: Arkansas Democrat-Gazette - Dicamba - Awaiting DDL info

This is what the reporter sent me.

I have no specific story in mind yet, but it's something that I'll tackle in the next few days.
It's time to make another road trip into dicamba country of Arkansas.
I am free for a call anytime, Robert.

Cheers, R.

Robert Daguillard
Office of Media Relations
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Washington, DC
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+1 (202) 360-0476 (M)

From: Strauss, Linda
Sent: Monday, July 23, 2018 11:23 AM
To: Han, Kaythi <Han.Kaythi@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Sisco, Debby <Sisco.Debby@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Daguillard, Robert <Daguillard.Robert@epa.gov>
Cc: Lantz, Tracy <Lantz.Tracy@epa.gov>; Naimy, Nina <Naimy.Nina@epa.gov>
Subject: RE: LINDA/OPP: Arkansas Democrat-Gazette - Dicamba - Awaiting DDL info

Hi Robert, any word on deadline for this? Longer always better ☺ Thanks.

From: Daguillard, Robert
Sent: Friday, July 20, 2018 2:15 PM
To: Strauss, Linda <Strauss.Linda@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Sisco, Debby <Sisco.Debby@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>
Cc: Carey, Curtis <Carey.Curtis@epa.gov>; Bryan, David <Bryan.David@epa.gov>; Taheri, Diane <Taheri.Diane@epa.gov>; Gray, David <gray.david@epa.gov>; Kelley, Jeff <kelley.jeff@epa.gov>; Rowan, Anne <rowan.anne@epa.gov>
Subject: LINDA/OPP: Arkansas Democrat-Gazette - Dicamba - Awaiting DDL info

**ARKANSAS DEMOCRAT-GAZETTE
STEPHEN STEED
AWAITING DDL INFO**

All, sending the following inquiry now, although I'm waiting to hear the reporter's deadline, and to get a better sense of the focus of his inquiry. Let me know if there are any questions I should ask him.

+ Regions 5, 6, 7, for awareness.

+++++

Good morning, Robert and Tricia

We've corresponded a few times over the last nine months or so regarding dicamba.

Does the EPA have an estimate when it will release its decision on re-registering dicamba (Xtendimax, etc.) for in-crop use? (I hear August is the timeline.) What is the EPA doing as it makes that decision? (Are EPA representatives visiting farmers, regulators, etc. in states currently reporting dicamba damage and fielding complaints?) Is the EPA considering damage to non-ag interests (backyard gardens, decorative trees and shrubs) as it considers re-registration? Is the EPA demanding improvements by dicamba manufacturers to its formulations? Under FIFRA, which requires manufacturers to report to the EPA any "adverse" incidents regarding their products, how many such reports were filed with the EPA by Monsanto, Dow and BASF regarding dicamba's use last season? (The last time I asked about this, you cited a "fluid" situation and declined specifics. I presume last year's problems aren't so fluid now.)

Arkansas banned dicamba for in-crop use after April 16 yet has received more than 150 complaints of alleged dicamba damage. Soybean damage has been estimated at 400,000 acres in Arkansas — and 500,000 acres in Illinois, and 100,000 acres in Missouri, two states that allowed in-crop use. What does that tell the EPA about dicamba's future for in-crop use?

Thanks much.

Stephen Steed
Arkansas Democrat-Gazette
501-399-3654

Cheers, R.

Robert Daguillard
Office of Media Relations
U.S. Environmental Protection Agency
Washington, DC
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Message

From: Parsons, Doug [Parsons.Douglas@epa.gov]
Sent: 6/20/2018 8:00:46 PM
To: Beck, Nancy [Beck.Nancy@epa.gov]
Subject: RE: Response to Press Inquiries on Dicamba

Thanks.

From: Beck, Nancy
Sent: Wednesday, June 20, 2018 4:00 PM
To: Parsons, Doug <Parsons.Douglas@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>
Cc: Dunton, Cheryl <Dunton.Cheryl@epa.gov>
Subject: RE: Response to Press Inquiries on Dicamba

Kind of buries the answer but it seems ok to me.
Thanks.

Nancy B. Beck, Ph.D., DABT
Deputy Assistant Administrator, OCSPP
P: 202-564-1273
M: 202-731-9910
beck.nancy@epa.gov

From: Parsons, Doug
Sent: Wednesday, June 20, 2018 3:54 PM
To: Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>
Cc: Dunton, Cheryl <Dunton.Cheryl@epa.gov>
Subject: Response to Press Inquiries on Dicamba

Here are two press inquiries and a response statement. The language in *italics* is from a recently issued press release. Please let me know if there are any comments.

Thanks, doug

=====

Press Inquiries:

DTN/PROGRESSIVE FARMER
EMILY UNGLESBEE
TODAY, 6/20/18

A source has told me that EPA hopes to make a decision on whether or not to extend the registrations of Engenia, XtendiMax and FeXapan by mid-August this year, in order for farmers to be able to make timely seed decisions for the 2019 season. As a result, EPA is watching and coordinating closely with state regulators (AAPCO) to get real-time information on dicamba injury this summer. Can EPA confirm this timeline? Is the statement about how EPA is monitoring the situation accurate? I will be publishing this information today.

WALL STREET JOURNAL
JACOB BUNGE
DDL FLEX – THIS WEEK

Hello Robert, this is Jacob Bunge at the Wall Street Journal out in Chicago, I hope you had a nice weekend. We've been speaking here to some of the folks at the seed/pesticide companies about dicamba, as acreage of the traited seed has been expected to roughly double this year, and the continued concerns over crop damage, etc. One point that's come up is that EPA is reviewing/investigating farmers' use of the product in advance of its registration being up for renewal by November of this year, I believe. It sounds like EPA's been asking questions of farmers who've reported crop damage as well as those who've been applying dicamba, and also talking to registrants (mainly Monsanto, they say) about efforts to mitigate volatility and misapplication.

We're following this as the growing season progresses, but wanted to see if it'd be possible to talk with your folks over the next week or two and get a sense of how they're looking at all of this, so if we do a story and refer to the EPA's efforts to weigh all these factors in advance of the re-registration, we can be comprehensive and up to date with it. Let me know and feel free to give me a call if you want to discuss further, I'm at the office number below and around all this week.

Dicamba Desk Statement
2018 growing season

Dicamba formulations applied "over-the-top" to herbicide-resistant cotton and soybeans have new labels this year to further minimize the potential for drift. EPA is working with affected state lead agencies through the Association of American Pesticide Control Officials to monitor the implementation and use of the new labels. EPA and the states will promptly investigate any reported incidents and examine how to prevent them in the future.

These registrations for over-the-top dicamba will expire in fall 2018. Our goal is to make a regulatory decision in time to inform seed and weed management purchase decisions for the 2019 growing season.

Background

All three registrants of products that include dicamba over-the-top soybean and cotton uses implemented a process to relabel their products and support technical training efforts to get the new labels into the hands of growers in time for the 2018 application season. *In October 2017, EPA reached an agreement with Monsanto, BASF and DuPont on measures to further minimize the potential for drift to damage neighboring crops from the use of dicamba formulations used to control weeds in genetically modified cotton and soybeans.*

Manufacturers voluntarily agreed to label changes that impose additional requirements for "over the top" use of these products in 2018, including:

- Classifying products as "restricted use," permitting only certified applicators with special training, and those under their supervision, to apply them;*
- Dicamba-specific training for all certified applicators to reinforce proper use;*
- Requiring farmers to maintain specific records regarding the use of these products to improve compliance with label restrictions;*
- Limiting applications to when maximum wind speeds are below 10 mph (from 15 mph) to reduce potential spray drift;*
- Reducing the times during the day when applications can occur;*
- Including tank clean-out language to prevent cross contamination; and*
- Enhancing susceptible crop language and record keeping with sensitive crop registries to increase awareness of risk to especially sensitive crops nearby.*

Douglas W. Parsons
Office of Pollution Prevention and Toxics
U.S. Environmental Protection Agency
1201 Constitution Ave NW
Washington, D.C. 20460
Phone: (202)564-0341
Email: parsons.douglas@epa.gov

From: Molina, Michael [molina.michael@epa.gov]
Sent: 11/26/2018 5:07:34 PM
To: Bennett, Tate [Bennett.Tate@epa.gov]
CC: Beck, Nancy [Beck.Nancy@epa.gov]
Subject: Re: Missouri Department of Agriculture issues statement on Dicamba products for the 2019 growing season – KTTN-FM 92.3 and KGOZ -FM 101.7 Serving north Missouri

This is great.

Sent from my iPhone

On Nov 21, 2018, at 10:33 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

Missouri compliments our approach this year. Well done OCSPP!

“We understand it is a challenging task to balance the interests of producers across the United States, but the EPA has worked diligently with registrants to provide a balanced approach,” said Missouri Director of Agriculture Chris Chinn.

<https://www.kttm.com/missouri-department-of-agriculture-issues-statement-on-dicamba-products-for-the-2019-growing-season/>

Missouri Department of Agriculture issues statement on Dicamba products for the 2019 growing season

Post Views: 37

November 21, 2018

the Missouri Department of Agriculture announced it will not pursue Special Local Needs (24c) labels for the use of Engenia, FeXapan, and XtendiMax for the 2019 growing season. This announcement follows the Environmental Protection Agency’s (EPA) decision to extend the registration of these three Dicamba products for another two years with additional safeguards.

The Missouri Department of Agriculture appreciates the thoughtful approach taken by EPA in the re-registration process, and our staff looks forward to working with industry partners, agriculture organizations and academia to ensure growers are aware of and follow the new federal requirements.

“We understand it is a challenging task to balance the interests of producers across the United States, but the EPA has worked diligently with registrants to

provide a balanced approach,” said Missouri Director of Agriculture Chris Chinn.

EPA has enhanced the previous labels and put in place additional safeguards in an effort to increase the success and safe use of the product in the field.

The two-year registration is valid through Dec. 20, 2020, and includes the following:

- Only certified applicators may apply Dicamba over-the-top (those working under the supervision of a certified applicator may no longer make applications)
- Prohibit over-the-top application of Dicamba on soybeans 45 days after planting or up until the R1 growth stage (first bloom), whichever comes first
- Prohibit over-the-top application of Dicamba on cotton 60 days after planting
- For cotton, limit the number of over-the-top applications from four to two
- For soybeans, the number of over-the-top applications remains at two
- Applications will be allowed only from one hour after sunrise to two hours before sunset
- In counties where endangered species may exist, the downwind buffer will remain at 110 feet and there will be a new 57-foot buffer around the other sides of the field (the 110-foot downwind buffer applies to all applications, not just in counties where endangered species may exist)
- Enhanced tank clean-out instructions for the entire system
- Enhanced label to improve applicator awareness on the impact of low pH on the potential volatility of Dicamba
- Label clean up and consistency to improve compliance and enforceability

The new label instructions and requirements will be covered in the required Dicamba or auxin-specific training available online through the University of Missouri Extension, or through training offered by Bayer, BASF and Corteva for their respective products.

For more information about the Missouri Department of Agriculture, visit the Department online at Agriculture.Mo.Gov.

Message

From: Strauss, Linda [Strauss.Linda@epa.gov]
Sent: 7/20/2018 6:39:32 PM
To: Keigwin, Richard [Keigwin.Richard@epa.gov]; Beck, Nancy [Beck.Nancy@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Baptist, Erik [Baptist.Erik@epa.gov]; Keller, Kaitlin [keller.kaitlin@epa.gov]
Subject: Awareness only - another dicamba : Arkansas Democrat-Gazette - Dicamba

Another one. OPP will work on a response.

From: Daguillard, Robert
Sent: Friday, July 20, 2018 2:15 PM
To: Strauss, Linda <Strauss.Linda@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Sisco, Debby <Sisco.Debby@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>
Cc: Carey, Curtis <Carey.Curtis@epa.gov>; Bryan, David <Bryan.David@epa.gov>; Taheri, Diane <Taheri.Diane@epa.gov>; Gray, David <gray.david@epa.gov>; Kelley, Jeff <kelley.jeff@epa.gov>; Rowan, Anne <rowan.anne@epa.gov>
Subject: LINDA/OPP: Arkansas Democrat-Gazette - Dicamba - Awaiting DDL info

ARKANSAS DEMOCRAT-GAZETTE
STEPHEN STEED
AWAITING DDL INFO

All, sending the following inquiry now, although I'm waiting to hear the reporter's deadline, and to get a better sense of the focus of his inquiry. Let me know if there are any questions I should ask him.

+ Regions 5, 6, 7, for awareness.

+++++

Good morning, Robert and Tricia

We've corresponded a few times over the last nine months or so regarding dicamba.

Does the EPA have an estimate when it will release its decision on re-registering dicamba (Xtendimax, etc.) for in-crop use? (I hear August is the timeline.) What is the EPA doing as it makes that decision? (Are EPA representatives visiting farmers, regulators, etc. in states currently reporting dicamba damage and fielding complaints?) Is the EPA considering damage to non-ag interests (backyard gardens, decorative trees and shrubs) as it considers re-registration?
Is the EPA demanding improvements by dicamba manufacturers to its formulations?
Under FIFRA, which requires manufacturers to report to the EPA any "adverse" incidents regarding their products, how many such reports were filed with the EPA by Monsanto, Dow and BASF regarding dicamba's use last season? (The last time I asked about this, you cited a "fluid" situation and declined specifics. I presume last year's problems aren't so fluid now.)

Arkansas banned dicamba for in-crop use after April 16 yet has received more than 150 complaints of alleged dicamba damage. Soybean damage has been estimated at 400,000 acres in Arkansas — and 500,000 acres in Illinois, and 100,000 acres in Missouri, two states that allowed in-crop use. What does that tell the EPA about dicamba's future for in-crop use?

Thanks much.

Stephen Steed
Arkansas Democrat-Gazette
501-399-3654

Cheers, R.

Robert Daguiard
Office of Media Relations
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Washington, DC
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+1 (202) 360-0476 (M)

Message

From: Baptist, Erik [Baptist.Erik@epa.gov]
Sent: 10/23/2018 10:15:34 PM
To: Beck, Nancy [Beck.Nancy@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]
Subject: FW: Dicamba Label Comparisons
Attachments: 7969-345 label comparison.pdf; ATT00001.htm; 7969-345 last accepted label 20171012.pdf; ATT00002.htm; 524-617 label comparison.pdf; ATT00003.htm; 524-617 last accepted label 20171012.pdf; ATT00004.htm

Interesting: looks like our label already accounts for temperature and humidity:

9.1.2 Temperature and Humidity

When making applications in low relative humidity or temperatures above 91 degrees Fahrenheit, set up equipment to produce larger droplets to compensate for evaporation (for example: increase orifice size and/or increase spray volume as directed on www.xtendimaxapplicationrequirements.com). Larger droplets have a lower surface to volume ratio and can be impacted less by temperature and humidity. Droplet evaporation is most severe when conditions are both hot and dry.

Erik Baptist

Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
1201 Constitution Ave., NW
Washington, DC 20460
(202) 564-1689
baptist.erik@epa.gov

From: Keigwin, Richard
Sent: Tuesday, October 23, 2018 5:17 PM
To: Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>
Cc: Keller, Kaitlin <keller.kaitlin@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>
Subject: Dicamba Label Comparisons

Attached are the currently approved labels for Engenia and Xtendimax as well as a side-by-side comparison with the current drafts of the labels that have been submitted by BASF and Bayer.

For Engenia, the area on the label that discusses buffers and sensitive areas can be found on page 11 of the currently approved label; for Xtendimax, this information appears on page 19.

Message

From: Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]
Sent: 8/31/2018 5:31:26 PM
To: Dunton, Cheryl [Dunton.Cheryl@epa.gov]; Beck, Nancy [Beck.Nancy@epa.gov]; Baptist, Erik [Baptist.Erik@epa.gov]
CC: Keller, Kaitlin [keller.kaitlin@epa.gov]; Hanley, Mary [Hanley.Mary@epa.gov]
Subject: RE: For review: Dicamba desk statement/for responding to congressional inquiry

Thanks, I made a few edits below.

From: Dunton, Cheryl
Sent: Friday, August 31, 2018 9:29 AM
To: Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>
Cc: Keller, Kaitlin <keller.kaitlin@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>
Subject: RE: For review: Dicamba desk statement/for responding to congressional inquiry

Charlotte – just putting this at the top of your inbox. This is all language we’ve used before to respond to press inquiries. OCIR would like to respond to Sen. Blunt’s staff today if possible. Thanks.

From: Dunton, Cheryl
Sent: Wednesday, August 29, 2018 7:01 AM
To: Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>
Cc: Keller, Kaitlin <keller.kaitlin@epa.gov>
Subject: For review: Dicamba desk statement/for responding to congressional inquiry

I understand from OPP that Nancy asked for a desk statement on dicamba, including details on the information we’re using to make our registration decision, earlier this month (around August 10). OPP sent up a statement yesterday which seems a bit late since we’ve already answered press inquiries on this issue in the time that’s passed since this was first asked for. I edited what OPP sent to ensure it matched up with language we’ve already sent to press over the past month.

Late yesterday OPP asked if they could give this statement to OCIR to use to respond to a request from Sen. Blunt’s staff on the status of our dicamba registration decision. I don’t see any issues with that since this is all language we’ve released publicly to the press but wanted to check to make sure. Thanks.

Dicamba Desk Statement

EPA will use all available evidence when evaluating registrations for over-the-top use of dicamba. Our goal is to make a decision in time for growers to make informed seed purchase decisions for the next planting season.

Background:

EPA placed a 2-year limit on the registrations for dicamba pesticide products (Xtendimax with Vapor Grip; Engenia; and DuPont’s FeXapan Herbicide) used on soybean and cotton crops that have been genetically engineered to tolerate dicamba once the plants have emerged (“over the top”). EPA placed this time limit on the registrations to allow us either to let them expire or to work with the registrants to make necessary changes in the registration that may be necessary to address any concerns about adverse effects related to the application of these products. Ex. 5 Deliberative Process (DP)

Registrations of dicamba for use on genetically modified cotton and soybeans begin expiring in November 2018 unless EPA determines that extending the registration meets applicable legal standards.

We are reviewing the current use restrictions on the labels for these dicamba formulations in light of the incidents that have been reported this year and in 2017. EPA is using the best available information from several sources to develop a decision that balances protection of the environment with the benefits this technology offers growers for weed control and crop production. EPA will consider both quantitative and qualitative information to make our decision. EPA is working closely with academia, growers, state officials, weed management experts, industry, and the public to gather available information that helps us make our decision, including:

- incident data,
- yield information (or potential impacts on yield),
- off-target impacts to plants, including non-dicamba-tolerant soybeans,
- conversations with individuals in the field, and
- narrative information contained in state reports.

Message

From: Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]
Sent: 8/30/2018 11:00:17 PM
To: Messina, Edward [Messina.Edward@epa.gov]
CC: Keller, Kaitlin [keller.kaitlin@epa.gov]; Beck, Nancy [Beck.Nancy@epa.gov]; Baptist, Erik [Baptist.Erik@epa.gov]
Subject: FW: Summary of oral hearing in National Family Farm Coalition v. USEPA.

Hi – we didn't discuss the Texas study today during our noon meeting. Do we have it?

From: Knorr, Michele
Sent: Thursday, August 30, 2018 10:39 AM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>; Minoli, Kevin <Minoli.Kevin@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Anderson, Brian <Anderson.Brian@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>; Corbin, Mark <Corbin.Mark@epa.gov>; Peck, Charles <Peck.Charles@epa.gov>; Subramanian, Hema <Subramanian.Hema@epa.gov>
Cc: Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Perlis, Robert <Perlis.Robert@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Wise, Louise <Wise.Louise@epa.gov>
Subject: RE: Summary of oral hearing in National Family Farm Coalition v. USEPA.

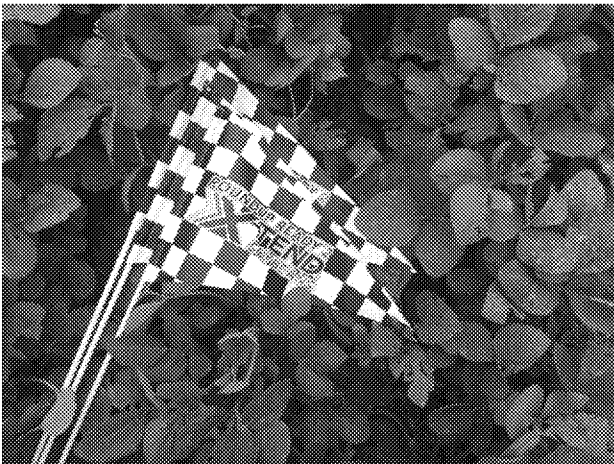
Ex. 5 Attorney Client (AC)

From: Bennett, Tate [Bennett.Tate@epa.gov]
Sent: 11/1/2018 4:47:23 AM
To: Baptist, Erik [Baptist.Erik@epa.gov]; Beck, Nancy [Beck.Nancy@epa.gov]
Subject: New EPA Rules for Dicamba Use Revealed

<https://www.dtnpf.com/agriculture/web/ag/news/crops/article/2018/11/01/new-epa-rules-dicamba-use-revealed-2>

New EPA Rules for Dicamba Use Revealed

Pam Smith 10/31/2018 | 11:11 PM CDT



Labels for dicamba herbicides have been extended, but they come with additional restrictions. (DTN file photo by Pamela Smith)

DECATUR, Ill. (DTN) -- The U.S. Environmental Protection agency has announced it has extended the registration for dicamba herbicides for over-the-top use in Roundup Ready Xtend crops for an additional two years.

At the same time, the agency also handed down more label requirements for using XtendiMax, FeXapan and Engenia herbicides in dicamba-tolerant cotton and soybeans.

In a news release, EPA stated that the action considered input and collaboration between EPA state regulators, farmers, academic researchers, pesticide manufacturers and other stakeholders.

"EPA understands that dicamba is a valuable pest control tool for America's farmers," said EPA Acting Administrator Andrew Wheeler. "By extending the registration for another two years with important new label updates that place additional restrictions on the product, we are providing certainty to all stakeholders for the upcoming growing season."

Those new dicamba registration decisions for 2019-2020 include:

- Only certified applicators may apply dicamba over the top (those working under the supervision of a certified applicator may no longer make applications).
- Prohibit over-the-top application of dicamba on soybeans 45 days after planting and cotton 60 days after planting.
- For cotton, limit the number of over-the-top applications from four applications to two applications (soybeans remain at two over-the-top applications).

Message

From: Bennett, Tate [Bennett.Tate@epa.gov]
Sent: 8/30/2018 2:57:11 PM
To: Beck, Nancy [Beck.Nancy@epa.gov]
Subject: RE: Summary of oral hearing in National Family Farm Coalition v. USEPA.

Thanks! Not terrible.

From: Beck, Nancy
Sent: Thursday, August 30, 2018 10:54 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Subject: Fwd: Summary of oral hearing in National Family Farm Coalition v. USEPA.

Nancy B. Beck, Ph.D., DABT
Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
P: [202-564-1273](tel:202-564-1273)
M: [202-731-9910](tel:202-731-9910)
beck.nancy@epa.gov

Begin forwarded message:

From: "Knorr, Michele" <knorr.michele@epa.gov>
Date: August 30, 2018 at 3:38:56 PM GMT+1
To: "Leopold, Matt (OGC)" <Leopold.Matt@epa.gov>, "Schwab, Justin" <Schwab.Justin@epa.gov>, "Minoli, Kevin" <Minoli.Kevin@epa.gov>, "Beck, Nancy" <Beck.Nancy@epa.gov>, "Baptist, Erik" <Baptist.Erik@epa.gov>, "Bertrand, Charlotte" <Bertrand.Charlotte@epa.gov>, "Keigwin, Richard" <Keigwin.Richard@epa.gov>, "Messina, Edward" <Messina.Edward@epa.gov>, "Goodis, Michael" <Goodis.Michael@epa.gov>, "Rosenblatt, Daniel" <Rosenblatt.Dan@epa.gov>, "Kenny, Daniel" <Kenny.Dan@epa.gov>, "Baris, Reuben" <Baris.Reuben@epa.gov>, "Echeverria, Marietta" <Echeverria.Marietta@epa.gov>, "Anderson, Brian" <Anderson.Brian@epa.gov>, "Nesci, Kimberly" <Nesci.Kimberly@epa.gov>, "Odenkirchen, Edward" <Odenkirchen.Edward@epa.gov>, "Corbin, Mark" <Corbin.Mark@epa.gov>, "Peck, Charles" <Peck.Charles@epa.gov>, "Subramanian, Hema" <Subramanian.Hema@epa.gov>
Cc: "Goerke, Ariadne" <Goerke.Ariadne@epa.gov>, "Perlis, Robert" <Perlis.Robert@epa.gov>, "Epp, Timothy" <Epp.Timothy@epa.gov>, "Wise, Louise" <Wise.Louise@epa.gov>
Subject: RE: Summary of oral hearing in National Family Farm Coalition v. USEPA.

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

Message

From: Baptist, Erik [Baptist.Erik@epa.gov]
Sent: 10/30/2018 9:49:20 PM
To: Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Beck, Nancy [Beck.Nancy@epa.gov]
Subject: FW: XtendiMax use on DT Soy & Cotton
Attachments: The Scientific Basis for Understanding the Off-Target Movement Potential....pdf

Erik Baptist

Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
1201 Constitution Ave., NW
Washington, DC 20460
(202) 564-1689
baptist.erik@epa.gov

From: Keigwin, Richard
Sent: Tuesday, October 30, 2018 4:45 PM
To: Baptist, Erik <Baptist.Erik@epa.gov>
Subject: FW: XtendiMax use on DT Soy & Cotton

From: MARVIN, THOMAS [AG/1920] [<mailto:thomas.marvin@monsanto.com>]
Sent: Friday, August 03, 2018 4:30 PM
To: Keigwin, Richard <Keigwin.Richard@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>
Subject: XtendiMax use on DT Soy & Cotton

All-

Please find attached a courtesy copy of a submission we made today in support of the continued registration of XtendiMax Herbicide for use on dicamba-tolerant soybeans and cotton (EPA Reg. 524-617). Please do not hesitate to contact me if there is anything we can address in advance of next Tuesday.

Thanks,

Tom

Tom Marvin
Director, Federal Regulatory Affairs
1300 I Street, NW
Washington, DC 20005
Cell: 202-676-7846
Desk: 202-383-2851

This email and any attachments were sent from a Monsanto email account and may contain confidential and/or privileged information. If you are not the intended recipient, please contact the sender and delete this email and any attachments immediately. Any unauthorized use, including disclosing, printing, storing, copying or distributing this email, is prohibited. All emails and attachments sent to or from Monsanto email accounts may be subject to monitoring, reading, and archiving by Monsanto, including its affiliates and subsidiaries, as permitted by applicable law. Thank you.

Message

From: Goodis, Michael [Goodis.Michael@epa.gov]
Sent: 8/30/2018 1:57:37 PM
To: Keller, Kaitlin [keller.kaitlin@epa.gov]; Baptist, Erik [Baptist.Erik@epa.gov]; Beck, Nancy [Beck.Nancy@epa.gov]
CC: Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Bennett, Tate [Bennett.Tate@epa.gov]
Subject: RE: Dicamba - Request from the Vice President

I just sent it. Thanks

Michael L. Goodis, P.E.
Director, Registration Division (RD)
Office of Pesticide Programs (OPP)

Phone 703-308-8157
Room S7623

From: Keller, Kaitlin
Sent: Thursday, August 30, 2018 9:39 AM
To: Baptist, Erik <Baptist.Erik@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>
Cc: Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>
Subject: RE: Dicamba - Request from the Vice President

All- Here is the updated version with all comments incorporated.

Mike—Since there are no additional comments this morning, Charlotte has asked that you send this version over to OVP.

Thanks,
Kaitlin

Kaitlin Keller, Special Assistant
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
(202) 564-7098

From: Baptist, Erik
Sent: Wednesday, August 29, 2018 8:01 PM
To: Beck, Nancy <Beck.Nancy@epa.gov>
Cc: Keller, Kaitlin <keller.kaitlin@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>
Subject: Re: Dicamba - Request from the Vice President

Just a few suggestions in CAPS:

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

STATUS:

Ex. 5 Deliberative Process (DP)

Sent from my iPhone

On Aug 29, 2018, at 5:25 PM, Beck, Nancy <Beck.Nancy@epa.gov> wrote:

Thanks. Looks ok to me!

Nancy B. Beck, Ph.D., DABT
Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
P: [202-564-1273](tel:202-564-1273)
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beck.nancy@epa.gov

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Ex. 5 Deliberative Process (DP)

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Date: August 29, 2018 at 2:41:10 PM EDT
To: "Bertrand, Charlotte" <Bertrand.Charlotte@epa.gov>
Cc: "Beck, Nancy" <Beck.Nancy@epa.gov>, "Baptist, Erik" <Baptist.Erik@epa.gov>
Subject: RE: Dicamba - Request from the Vice President

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Subject: Re: Dicamba - Request from the Vice President

The person we are briefing will need to start from scratch - has no background on what Dicamba is.

Sent from my iPhone

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Sent: Wednesday, August 29, 2018 1:40 PM
To: Goodis, Michael <Goodis.Michael@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>
Cc: Keller, Kaitlin <keller.kaitlin@epa.gov>
Subject: Fwd: Dicamba - Request from the Vice President

Hi - looks like Ryan would like to be on call too. Can you schedule around his calendar as well. Also, Kaitlin can you have a one pager dusted off for me to look at about 4pmish? Thanks.

Sent from my iPhone

Begin forwarded message:

From: "Jackson, Ryan" <jackson.ryan@epa.gov>
Date: August 29, 2018 at 1:29:41 PM EDT
To: "Bertrand, Charlotte" <Bertrand.Charlotte@epa.gov>
Cc: "Bennett, Tate"

<Bennett.Tate@epa.gov>, "Baptist,
Erik" <Baptist.Erik@epa.gov>, "Beck,
Nancy" <Beck.Nancy@epa.gov>,
"Bolen, Brittany"
<bolen.brittany@epa.gov>

**Subject: RE: Dicamba - Request from
the Vice President**

I can be on the call as well. Is there an
update I can get on what we plan to
present today?

From: Bertrand, Charlotte

Sent: Wednesday, August 29, 2018
12:39 PM

To: Jackson, Ryan

<jackson.ryan@epa.gov>

Cc: Bennett, Tate

<Bennett.Tate@epa.gov>; Baptist, Erik

<Baptist.Erik@epa.gov>; Beck, Nancy

<Beck.Nancy@epa.gov>; Bolen, Brittany

<bolen.brittany@epa.gov>

Subject: Fwd: Dicamba - Request from
the Vice President

Ryan - just wanted to make you aware
of this request from the office of the VP
for an update on our Dicamba
registration decision. We are going to
set something up for tomorrow. Tate is
joining the call. Charlotte

From: Hickey, Jonathan

P. EOP/OVP

[mailto:Jonathan.P.Hick
ey@ovp.eop.gov]

Sent: Wednesday,
August 29, 2018 9:03
AM

To: Goodis, Michael

<Goodis.Michael@epa.
gov>

Cc: guilaran.you-
ting@epa.gov; Keigwin,
Richard

<Keigwin.Richard@epa.
gov>; Hickey, Jonathan

P. EOP/OVP

<Jonathan.P.Hickey@ov
p.eop.gov>

Subject: Introduction &
Question

Hi Mike,

Sending you and
Richard & Quilaran this
note to introduce
myself and see if we
could schedule a call to
help us here at OVP
understand an inquiry
the Vice President
recently recieved.

My name is Jon Hickey
and I recently joined
the Vice President's
Domestic Policy team.
Part of my portfolio is
Environment. I look
forward to working
with you and your
team!

The Vice President
recently received an
inquiry from a
constituent concerned
about Dicamba and the
upcoming expiration of
the Xtendimax with
Vapor Grip Technology
Label. Would you have
time to discuss this at
some point today?

Also, if there is a time
when you (and/or
whoever you feel
appropriate from your
team) would have time
to meet perhaps next

week just to make face-to-face introductions and perhaps to get an overview of the Pesticides Program?

Thanks!

Best regards,

Jon

Jon Hickey

Office of the Vice
President

Special Advisor for
Domestic Policy

(202)395-1659

<18-001-0391.pdf>

<Dicamba 8.29.2018.docx>

Message

From: Keller, Kaitlin [keller.kaitlin@epa.gov]
Sent: 8/30/2018 1:43:16 PM
To: Baptist, Erik [Baptist.Erik@epa.gov]; Beck, Nancy [Beck.Nancy@epa.gov]
CC: Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Bennett, Tate [Bennett.Tate@epa.gov]; Goodis, Michael [Goodis.Michael@epa.gov]
Subject: RE: Dicamba - Request from the Vice President
Attachments: OISC dicamba comments to EPA 8-29-18.pdf

For awareness, attached is a letter from the Indiana State Chemist and Seed Commissioner that just came in to OPP yesterday.

From: Keller, Kaitlin
Sent: Thursday, August 30, 2018 9:39 AM
To: Baptist, Erik <baptist.erik@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>
Cc: Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>
Subject: RE: Dicamba - Request from the Vice President

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Kaitlin

Kaitlin Keller, Special Assistant
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
(202) 564-7098

From: Baptist, Erik
Sent: Wednesday, August 29, 2018 8:01 PM
To: Beck, Nancy <Beck.Nancy@epa.gov>
Cc: Keller, Kaitlin <keller.kaitlin@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>
Subject: Re: Dicamba - Request from the Vice President

Just a few suggestions in CAPS:

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

STATUS:

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Nancy B. Beck, Ph.D., DABT
Deputy Assistant Administrator
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P: [202-564-1273](tel:202-564-1273)
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beck.nancy@epa.gov

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Date: August 29, 2018 at 1:29:41 PM EDT
To: "Bertrand, Charlotte" <Bertrand.Charlotte@epa.gov>
Cc: "Bennett, Tate" <Bennett.Tate@epa.gov>, "Baptist, Erik" <Baptist.Erik@epa.gov>, "Beck, Nancy" <Beck.Nancy@epa.gov>,

"Bolen, Brittany"
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registration decision. We are going to
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From: Hickey, Jonathan
P. EOP/OVP
[mailto:Jonathan.P.Hick
ey@ovp.eop.gov]
Sent: Wednesday,
August 29, 2018 9:03
AM
To: Goodis, Michael
<Goodis.Michael@epa.
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Richard
<Keigwin.Richard@epa.
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<Jonathan.P.Hickey@ov
p.eop.gov>
Subject: Introduction &
Question

Hi Mike,

Sending you and Richard & Quilaran this note to introduce myself and see if we could schedule a call to help us here at OVP understand an inquiry the Vice President recently recieved.

My name is Jon Hickey and I recently joined the Vice President's Domestic Policy team. Part of my portfolio is Environment. I look forward to working with you and your team!

The Vice President recently received an inquiry from a constituent concerned about Dicamba and the upcoming expiration of the Xtendimax with Vapor Grip Technology Label. Would you have time to discuss this at some point today?

Also, if there is a time when you (and/or whoever you feel appropriate from your team) would have time to meet perhaps next week just to make face-to-face introductions and perhaps to get an

overview of the
Pesticides Program?

Thanks!

Best regards,

Jon

Jon Hickey

Office of the Vice
President

Special Advisor for
Domestic Policy

(202)395-1659

<18-001-0391.pdf>

<Dicamba 8.29.2018.docx>

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Sent: 8/30/2018 1:58:34 AM
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CC: Beck, Nancy [Beck.Nancy@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Bennett, Tate [Bennett.Tate@epa.gov]; Goodis, Michael [Goodis.Michael@epa.gov]
Subject: Re: Dicamba - Request from the Vice President

Thanks Erik. I'll make these edits and send around a final version early tomorrow.

Sent from my iPhone

On Aug 29, 2018, at 8:01 PM, Baptist, Erik <Baptist.Erik@epa.gov> wrote:

Just a few suggestions in CAPS:

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<Beck.Nancy@epa.gov>, "Bolen, Brittany"
<bolen.brittany@epa.gov>
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PM
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Cc: Bennett, Tate
<Bennett.Tate@epa.gov>; Baptist, Erik
<Baptist.Erik@epa.gov>
; Beck, Nancy
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Subject: Fwd: Dicamba
- Request from the Vice
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Charlotte

From:
Hickey,
Jonathan P.
EOP/O
VP
[mailto:
Jonathan.P.Hickey@eop.vp.eop.gov]
Sent:
Wednesday,
August

29,
2018
9:03
AM

To:
Goodis,
Michael
<Goodis.Michael@epa.gov>

Cc:
guilaram.you-ting@epa.gov;
Keigwin

,
Richard
<Keigwin.Richard@epa.gov>;

Hickey,
Jonathan P.
EOP/O
VP
<Jonathan.P.Hickey@eop.vp.eop.gov>

Subject
:
Introduction &
Question

Hi
Mike,

Sending
you and
Richard
&
Quilaram
in this

note to
introdu
ce
myself
and see
if we
could
schedul
e a call
to help
us here
at OVP
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inquiry
the
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recieve
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My
name is
Jon
Hickey
and I
recentl
y joined
the
Vice
Preside
nt's
Domest
ic Policy
team.
Part of
my
portfoli
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Environ
ment. I
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to
working
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you and

your
team!

The
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Label.
Would
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have
time to
discuss
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some
point
today?

Also, if
there is
a time
when
you

(and/or
whoever
you
feel
appropriate
from
your
team)
would
have
time to
meet
perhaps
next
week
just to
make
face-to-
face
introdu
ctions
and
perhaps
to get
an
overview
of
the
Pesticid
es
Program
m?

Thanks!

Best
regards
,

Jon

Jon
Hickey

Office
of the

Vice
Preside
nt

Special
Advisor
for
Domest
ic Policy

(202)39
5-1659

<18-001-0391.pdf>

<Dicamba 8.29.2018.docx>

Message

From: Strauss, Linda [Strauss.Linda@epa.gov]
Sent: 7/16/2018 8:59:49 PM
To: Beck, Nancy [Beck.Nancy@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Baptist, Erik [Baptist.Erik@epa.gov]; Keigwin, Richard [Keigwin.Richard@epa.gov]
CC: Sisco, Debby [Sisco.Debby@epa.gov]
Subject: just FYI - one of two dicamba inquiries that just came in -- Media request: The New Republic / dicamba

Just FYI, due Friday.

From: Daguillard, Robert
Sent: Monday, July 16, 2018 3:54 PM
To: Strauss, Linda <Strauss.Linda@epa.gov>; Hull, George <Hull.George@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Siedschlag, Gregory <Siedschlag.Gregory@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>; Sisco, Debby <Sisco.Debby@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Bryan, David <Bryan.David@epa.gov>; Brees, Angela <Brees.Angela@epa.gov>; Carey, Curtis <Carey.Curtis@epa.gov>
Subject: LINDA/OPP/OECA/R7: Media request: The New Republic / dicamba

THE NEW REPUBLIC
BOYCE UPHOLT
DDL 7/20

Good afternoon all,

The reporter says he'd like to hand in his final draft by the end of the week. Adding OECA and R7 for input. Seems to me we might want to refer him to the state of Missouri for at least one of the questions, but please advise. Also, please note the end-of-the-week deadline. Thanks in advance and as always,

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Hey Robert,

I'm working on a story for *The New Republic* about dicamba. I've got a few questions about the registration process for the new formulations.

- When did Monsanto first submit its XtendiMax formulation for registration? A Monsanto official indicated that the process took longer than expected, and from what I understand these delays were due to extensive amounts of public comment -- is this correct? OCSPP
- I know the EPA sent agents into southeastern Missouri in October 2016 to investigate potential acts of criminal spraying. What came of this investigation? OCSPP OECA?
- What is the "typical" length of a pesticide registration? How many times in the past has the EPA granted just a two-year registration? OCSPP
- I have a source indicating that on an EPA-led conference call with state officials in 2017, Missouri officials said some local farmers were threatening to retaliate against their neighbors. Can someone confirm this? Provide any meeting notes; Refer the reporter to Missouri officials. Yes
- I also have a source indicating that on that conference call, the EPA indicated that industry was discouraging the agency from taking action. Can this be confirmed? Provide any meeting notes; Refer the reporter to others if the EPA on the conference call were OPP people, shouldn't we know?
- How does the EPA respond to allegations that it failed to sufficiently consider independent testing of dicamba, and relied too extensively on Monsanto's own data? OCSPP

- Any insights about the EPA's thoughts on the future of dicamba would be incredibly helpful. I've seen reporting that indicates the agency may make a decision as early as August -- which may affect the publication schedule of this story. OCSPP

Thanks. I will let you know if anything else comes up.

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